



**Town of Frederick
Board of Trustees Agenda**
Frederick Town Hall
Board Chambers
401 Locust Street
Tuesday, August 25, 2015

6:30 P.M.
Work Session
General Discussion

7:00 P.M.
Regular Meeting

Call to Order – Roll Call:

Pledge of Allegiance:

Approval of Agenda:

Liquor Licensing Authority:

Consent Agenda:

1. Approval of July 7, 2015 Minutes – Meghan Martinez, Town Clerk
2. Approval of July 28, 2015 Minutes – Meghan Martinez, Town Clerk

Action Agenda:

3. Request for Transfer of Liquor License to Sidewinders Grille, LLC – Kristin Brown, Town Prosecutor

Special Presentations:

Public Comment: This portion of the Agenda is provided to allow members of the audience to provide comments to the Town Board. Please sign in and the Mayor will call you. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to three (3) minutes.

Staff Reports:

- A. Administrative Report – Matt LeCerf, Town Manager

Built on What Matters.

B. Town Clerk's Report – Meghan Martinez, Town Clerk

Consent Agenda: Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda

C. Approval of July 28, 2015 Minutes – Meghan Martinez, Town Clerk

D. Acknowledgement of Receipt of List of Bills – Mitzi McCoy, Finance Director

E. Ordinance 1199 Amending Chapter 8 “Vehicles and Traffic,” Article II “Abandoned and Junk Vehicles” Section 8-21 “Impoundment” of the Frederick Municipal Code – Kristin Brown, Town Prosecutor

Action Agenda:

F. Request to Continue Public Hearing for Meadowlark Business Park Filing 3 Preliminary Plat and Final Plat – Chris Kennedy, Planner

G. Resolution 15R51 Submitting to the Registered Electors Voting in the Coordinated Election to be held November 3, 2015 at Ballot Issue Concerning Whether the Town of Frederick should Impose and Access an Excise Tax on the Short Term Rental any Hotel Room, Motel Room, Lodging Room, Motor Hotel Room, Guest House, or other similar Short Term Temporary Accommodation of Less than Thirty (3) Consecutive Days – Matt LeCerf, Town Manager

H. **Public Hearing** Brunemeier Annexation – Nick Nelson, Planner

1. Resolution 15R52 Adopting Certain Findings of Fact and Conclusions Favorable to the Annexation
2. Ordinance 1200 Annexing a Parcel of Private Property Upon the Petition of the Owner thereof, to be known as Brunemeier Annexation
3. Resolution 15R53 Review of the Request for Amendment to the Official Zoning Map of the Town of Frederick for Brunemeier Annexation
4. Ordinance 1201 Amending the Official Zoning Map of the Town of Frederick for Brunemeier Annexation

I. Ordinance 1202 Enacting Chapter 10 “General Offenses” Article XV “Medical Marijuana Regulations” of the Frederick Municipal Code – Kristin Brown, Town Prosecutor

J. Ordinance 1203 Enacting Chapter 10 “General Offenses” Article VI “Offense Related to Drugs” Section 10-117 “Recreational Marijuana” of the Frederick Municipal Code – Kristin Brown, Town Prosecutor

K. **Public Hearing** Ordinance 1204 Amending Article 1 and 3 of the Frederick Land Use Code, 2004; Amending Certain Sections of the Frederick Land Use Code in Connection with the Adoption of Amended Language Pertaining to Marijuana Regulations; and Repealing all Ordinances in Conflict Therewith –Jennifer Simmons, Planning Director

L. To Consider Authorizing a Supplemental Appropriation and Amendment to the 2015 Calendar Year Budget and Awarding a Contract – Jennifer Simmons, Planning Director

1. Resolution 15R54 Authorizing a Supplemental Appropriation and Amending the Calendar Year 2015 Budget
2. Resolution 15R55 Authorizing the Town Manager to Execute a Contract with Go Play Incorporated

Mayor and Trustee Reports:

Work Session: General Discussion



TOWN OF FREDERICK LIQUOR LICENSING AUTHORITY
MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
JULY 7, 2015

Call to Order: At 8:07 Chairman Carey called the meeting of the Liquor Licensing Authority to order.

Roll Call: Present were Chairman Carey, Vice Chair Brown, and Authority Members Skates, Burnham, Schiers, Payne and Hudziak. Also present were Town Prosecutor Kristin Brown, Authority Secretary Meghan Martinez, and Town Manager Matt LeCerf.

Action Agenda:

Buck Wilds Saloon Show Cause Hearing: Special Prosecutor Jacob Starkovich addressed the Authority and indicated that the parties have reached a stipulation. A representative for Buck Wilds Saloon did not appear. Special Prosecutor Starkovich requested dismissal of the show cause hearing and approval of the stipulation between the parties.

Motion by Authority Member Skates and seconded by Vice Chair Brown to approve the stipulation as presented by Attorney Starkovich. Upon roll call vote, motion passed unanimously.

There being no further business of the Authority, Chairman Carey adjourned the meeting at 7:05 p.m.

Approved by the Liquor Licensing Authority:

ATTEST:

Tony Carey, Chair

Meghan C. Martinez, Secretary

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TOWN OF FREDERICK LIQUOR LICENSING AUTHORITY

MEETING MINUTES

FREDERICK TOWN HALL, 401 LOCUST STREET

JULY 14, 2015

Call to Order: At 8:07 Chairman Carey called the meeting of the Liquor Licensing Authority to order.

Roll Call: Present were Chairman Carey, Vice Chair Brown, and Authority Members Skates, Burnham, Schiers, and Hudziak. Authority Member Payne was not present. Also present were Town Prosecutor Kristin Brown, Authority Secretary Meghan Martinez, Town Manager Matt LeCerf, and Town Attorney Rick Samson.

Consent Agenda: Motion by Vice Chair Brown and seconded by Authority Member Schiers to approve the consent agenda which contained the following items:

1. June 23, 2015 Minutes

Upon roll call vote, motion passed unanimously.

Action Agenda:

Public Hearing Echo Brewing Brew Pub Application: At 8:09 Chairman Carey opened the public hearing on the new liquor license application. Town Prosecutor Kristin Brown addressed the Authority regarding the application. Dennis Richards, 1431 McGregor Circle Erie, appeared pro se on behalf of Echo Brewing.

At 8:10 Chairman Carey closed the public hearing.

Motion by Authority Member Burnham and seconded by Authority Member Schiers that the Liquor Authority find that the applicant is of good moral character, the inhabitants of the neighborhood desire that the license be granted, the license will meet the reasonable requirements of the neighborhood, that all town requirements and the requirements of state law have been met and that, based on these findings, the local licensing authority approve the issuance of the license applied for. In addition, that the Liquor Authority direct the chair to execute the findings and order. Upon roll call vote, motion passed unanimously.

There being no further business of the Authority, Chairman Carey adjourned the meeting at 8:26 p.m.

Approved by the Liquor Licensing Authority:

ATTEST:

Tony Carey, Chair

Meghan C. Martinez, Secretary

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TOWN OF FREDERICK MEMORANDUM

TO: Honorable Mayor Tony Carey and Board of Trustees

FROM: Meghan Martinez, Town Clerk

DATE: August 18, 2015

SUBJECT: Town Clerk Report

- *Liquor Licensing.*
 - Reviewing one new license application scheduled for September 22, 2015.
 - Working with State for Echo Brewing Approval of Brew Pub license.
- *Open Records Request.* Responded to one open records request.
- *Clerk's Procedures Notebook.* Added Special Event Permit Application process to procedure notebook. Continued training with staff to provide backup to the Clerk's Office.
- *Historic Preservation Commission.* Commissioner Watson facilitated the painting of the museum on August 1, 2015. The front and two sides of the main building were completed but the addition has not completed since the project was quite time intensive. Commissioner Watson reports that areas of the building are rotting due to age and water damage. The commission has discussed these issues and is exploring grant opportunities with History Colorado to repair the structure.
- *November Coordinated Election.* Reviewing addressing information for verification to the county. Verification is due back to the Elections Department at the end of the month.
- *Scholarship Commission.* Drafting 2016 scholarship application and timeline. Researching interview phase of application, results will be provided to the commission for input.
- *Municipal Code Updates:* Working with Attorney Samson to address changes related to Elections and Liquor sections to the municipal code. We expect to bring those changes to the September 8th meeting.

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TOWN OF FREDERICK BOARD OF TRUSTEES
REGULAR BOARD MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
JULY 28, 2015

Call to Order: At 7:00 p.m. Mayor Carey called the meeting to order and requested roll call.

Roll Call: Present were Mayor Carey, Mayor Pro Tem Brown, and Trustees Skates, Burnham, Schiers, Hudziak and Payne. Also present were Town Manager Matt LeCerf, Town Attorney Rick Samson, and Town Clerk Meghan Martinez.

Pledge of Allegiance: Mayor Carey invited everyone to join in the Pledge of Allegiance.

Special Presentations:

Legacy Elementary School PTO Community Funding Request: Mary Harsty 5406 Fox Run Boulevard presented the proposed 5K event for Miners Day. She discussed the PTO program and their budget. They requested funding to support the 5K. Motion by Mayor Pro Tem Brown and seconded by Trustee Skates to approve \$1000.00 for the 5K. Upon roll call vote, motion passed unanimously.

Frederick-Firestone Fire Protection District Quarterly Update: Chief Posyzwak presented the 2nd quarter report.

Public Comment:

Richard O'Neil, 310 Tipple Parkway Frederick, would like to suggest that the Board utilize the old bank building as a place for the building department. He also expressed his concerns about winter driving on roundabouts and pedestrian access.

Staff Reports:

Administrative Report: Town Manager Matt LeCerf provided a written report to the Board.

Town Clerk's Report: Town Clerk Meghan Martinez provided a written report to the Board.

Town Attorney's Report: Town Attorney Rick Samson provided a written report to the Board.

Consent Agenda:

Motion by Trustee Schiers and seconded by Mayor Pro Tem Brown to approve the following items on the consent agenda:

1. July 14, 2015 Minutes
2. List of Bills

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Upon roll call vote, motion passed unanimously.

Action Agenda:

Resolution 15R48 Authorizing the Execution of an Intergovernmental Agreement between the Town of Frederick and Weld County for Conduct of Coordinated Election and TABOR Notice Distribution: Town Clerk Meghan Martinez presented the proposed IGA. Motion by Mayor Pro Tem Brown and seconded by Trustee Burnham to approve the IGA with Weld County. Upon roll call vote, motion passed unanimously.

Resolution 15R49 Authorizing the Town manager to Enter into a Contract with McCandless International Trucks for the Purchase of a 2016 7600 SFA 6x4 2010 (SF567) International Dump Truck Chassis: Town Manager Matt LeCerf presented the proposed resolution and discussed the purchase of the chassis. Motion by Trustee Burnham and seconded by Trustee Skates to approved Resolution 15R49. Upon roll call vote, motion passed unanimously.

Resolution 15R50 Authorizing a Supplemental Budget Appropriation and Amending the 2015 Fiscal Year Budget: Town Manager Matt LeCerf presented the proposed resolution. Motion by Trustee Burnham and seconded by Mayor Pro Tem Brown to approve Resolution 15R50. Upon roll call vote, motion passed unanimously.

Discussion Agenda:

Hotel Motel Ballot Language Consideration: Town Manager Matt LeCerf discussed the option of putting a ballot issue to the voters for consideration of a lodging tax. There was discussion related to the language requirements for the question. Language for the ballot will be provided to the Board at the August 25, 2015 meeting.

Colorado Boulevard Improvements: Town Manager Matt LeCerf presented the improvements to Colorado Boulevard. He outlined the public private partnership with CDG. CDG representative Jon Lee addressed the Board and discussed the project. Engineering Director Dick Leffler also addressed the Board.

Motion by Trustee Schiers and seconded by Mayor Pro Tem Brown to go into executive session to discuss the purchase, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a) regarding property acquisition. Upon roll call vote, motion passed unanimously.

At 9:15 p.m. Mayor Carey reconvened the meeting of the Board of Trustees

Action Agenda:

Ordinance 1198 Determining the Necessity for and Authorizing the Acquisition of Certain Property Interests by either Negotiation or Condemnation for a Transportation System, Public Utilities, and Public Works and for any Purpose Necessary for such uses on Godding Hollow Parkway: Town Attorney Rick Samson presented the proposed ordinance. Motion by Trustee Skates and seconded by Trustee Schiers to approve

Ordinance 1198. Upon roll call vote, motion passed 4-2 with Trustees Payne and Burnham voting no.

Mayor and Trustee Reports:

Trustee Hudziak: She attended the NISP public hearings in Fort Collins and Greeley. They were well attended and hopes to see the project move forward soon.

Trustee Burnham: Thanks to Dick for sending the video related to NISP, it was a good illustration of the project.

Mayor Pro Tem Brown: She attended the NISP hearing in Greeley, it was great to hear the support of the agricultural community.

Trustee Payne: He would like to see a plan from staff on how the needs of Miners Day will be met this year.

Trustee Schiers: The NISP meetings were great and the communities were well represented. There was also a good showing of businesses and ag.

Trustee Skates: He has received a lot of requests as to where people can get school supplies. The St. Vrain Sanitation District will have an open house on September 18, 2015.

Mayor Carey: The economic development person is still working on projects for the Town. He asked Rick to review the contract. He was at public works and notice the prairie dogs are pretty bad in that area.

Motion by Mayor Pro Tem Brown and seconded by Trustee Schiers to go into executive session to discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. Section 24-6-402(4)(a) regarding water. Upon roll call vote motion passed unanimously.

There being no further business of the Board, Mayor Carey adjourned the meeting at 9:31 p.m.

Approved by the Board of Trustees:

ATTEST:

Tony Carey, Mayor

Meghan C. Martinez, Town Clerk

Town of Frederick - List of Bills

July 18,2015 - August 14,2015

4 RIVERS EQUIPMENT LLC	Mowing supplies	445.70
ACE HARDWARE OF FIRESTONE	Supplies for CSO's	20.98
ADAMSON POLICE PRODUCTS	Police equipment	4,335.95
ADVERTISING CONCEPTS INC	ID Sign	1,280.00
AGFINITY	Weed Control	1,980.00
ALSCO	Public Works Uniforms	2,173.93
AMERICAN LEAK DETECTION OF NORTHERN CO	Municipal Detection	450.00
AMERICAN PUBLIC WORKS ASSOCIATION	Membership Renewal	179.00
ANDY FAIRBANKS	Reimbursement for K-9 Collar repairs	88.16
APEX CONSULTING SERVICES INC	Phase 1 Environmental Assessment	1,800.00
ARROW OFFICE EQUIPMENT, INC.	Office Supplies	261.89
ASPEN LASER & TECHNOLOGIES	Printer repair	87.50
ASPHALT SPECIALTIES CO INC	Aggregate Blvd Flood Repair Improve.	11,461.09
AT&T MOBILITY	GPS Modem Service	125.10
ATEK HEATING & AIR CONDITIONING	Heating & Air Conditioning maintenance	600.00
BRONZE SERVICES OF LOVELAND INC	Sculpture cleaning	950.00
CARBON VALLEY CAR WASH LLC	Wash bay fees	123.75
CARD SERVICES	Supplies/Travel & Training	18,683.57
CASELLE, INC.	Contract Support & Maintenance	1,603.00
CENTRAL WELD COUNTY WATER DIST	Water Usage	131,224.72
CENTRAL WELD CTY WATER DIST	Water Taps	110,000.00
CENTURYLINK COMMUNICATIONS LLC	Phone services	238.36
CESARE INC	Godding Hollow Pkwy Widening Project	2,954.50
CH DIAGNOSTIC & CONSULTING SERVICE INC	Pall Envirochek HV Capsule	480.00
CHEMATOX LABORATORY INC	Blood tests	60.00
CIRSA	2nd Qtr. Property Insurance	1,243.00
CJR DESIGN STUDIOS	Art Work lease	1,400.00
COALRIDGE ANIMAL HOSPSITAL	Boarding for K-9	229.50
COLORADO ANALYTICAL LABORATORIES INC	Drinking water analysis	23.00
COLORADO BARRICADE CO	Signs	178.56
COLORADO DEPARTMENT OF PUBLIC	Annual Water Testing	490.00
COLORADO DOORWAYS INC	Equipment	29.00
COLORADO STATE TREASURER	2nd Quarter Unemployment Insurance 2015	2,399.48
COLORADO STATE UNIVERSITY	2015 Scholarship	1,500.00
COMCAST CABLE	Cable Services	206.22
COMCAST PHONE	Phone Service	260.99
COYOTE RIDGE CONSTRUCTION LLC	Tipple Pkwy Non-pot main extension	5,680.02
CUMMINS ROCKY MOUNTAIN, INC.	Generator maintenance	331.00
DANA KEPNER CO	Water Meter Supplies	157.92
DBC IRRIGATION SUPPLY	Irrigation parts	294.40
DE FOE ROOFING INC	Permit refund	183.20
DEFALCO CONSTRUCTION COMPANY	Godding Hollow Pkwy Widening	399,865.60
DEPARTMENT OF PUBLIC HEALTH & ADMIN	Water testing	943.00
DISCOUNT TIRE CENTER	Tire repair	15.00
DITCH WITCH OF THE ROCKIES	Repairs	417.90
ECHO BREWING COMPANY	Frederick Market	130.00
ELSTER SOLUTIONS LLC	Electric Meters	1,120.00

Town of Frederick - List of Bills

July 18,2015 - August 14,2015

ENERGY & RESOURCE CONSULTING GROUP LLC	June Energy Consulting Services	4,387.50
ENVIROTECH SERVICES, INC.	Ice Slicer	5,015.37
EWING AUTO PARTS INC.	Auto Repairs	914.68
FAIRFIELD AND WOODS PC	Legal	1,005.00
FIDELITY NATIONAL TITLE	Refund Overpayment	54.15
FISHES STREETWEAR	FiF pilot polos	131.00
FOSTER VALUATION COMPANY LLC	Godding Hollow Pkwy Widening Project	14,500.00
FREDERICK FIRESTONE FIRE PROTECTION DIST	Blood draws	247.00
FREEDOM MAILING SERVICES LLC	Postage	2,345.11
GABINO NIETO	PW Safety T-shirts	300.00
GEORGIA BOYS SMOKEHOUSE	Community BBQ Tour	3,208.50
GEORGIA BOYS SMOKEHOUSE	Sponsorship from Frederick Power & Light	1,500.00
GEORGIA BOYS SMOKEHOUSE	Downtown Business Association	25.00
GLENDA ARETXULOETA	Godding Hollow Pkwy-ROW Easement Acq.	7,000.00
GREEN MOUNTAIN PROMOTIONS	Promotional Items	2,959.10
HERITAGE TITLE CO	Refund Overpayment	65.96
HOME DEPOT/GEFCF	Supplies	768.48
HOUSEAL LAVIGNE ASSOCIATES	July Comp Plan	22,744.91
IN FORM CREATIONS LLC	Branding	650.00
IWORQ SYSTEMS	Internet Software & Support	1,200.00
JAMES CLINE	Downtown Sounds Band	150.00
JEFF CAHN INC	Judge Services	1,200.00
JENNIFER HALL	DIY Day supplies	165.77
JENNIFER POPLASKI	Reimb. for Frederick Market supplies	13.72
JOHN CUTLER & ASSOCIATES	Final billing for Audit	3,000.00
JOHN DEERE FINANCIAL	V-Box Equipment Maintenance	816.45
KENDALL MARTINEZ	Door hanger distribution	300.00
KING SURVEYORS INC	Subdivision of former PW property	819.00
KINSCO LLC	PD Uniforms	259.95
KORF CONTINENTAL	2016 Ford F550	89,968.00
KRISTIN NORDECK BROWN P.C.	July 2015 Prosecution Services	2,832.00
KUSTOM SIGNALS INC	Supplies for speed trailer	73.00
L.G. EVERIST INC	1st Qtr. 2015-Sales Tax Rebate	3,506.00
L.L. JOHNSON DISTRIBUTING COMPANY	Equipment	2,955.05
LASER CYCLE USA	Toner supplies	134.57
LENNAR COLORADO LLC	Refund Plan Review Fee	500.00
LEONARD MEDOFF PHD	Employment Testing	500.00
LONGMONT HUMANE SOCIETY	Impound fee	991.67
LONGS PEAK EQUIPMENT COMPANY	Tractor supplies	262.76
LONGS PEAK LANDSCAPE INC	Breezeway at No Name Creek	3,685.67
MACKENZIE FERRIE	Refund Overpayment	1,025.33
MAIL SOLUTIONS & PRINTING	Events Brochures printing	194.95
MARTINEZ CONTRACTORS	Crist Park bathroom construction	22,000.00
MCCANDLESS INTL TRUCKS OF COLORADO	Equipment Truck	251,158.00
MCGEE COMPANY	Equipment installation for oil tanks	300.50
MITZI MCCOY	Tuition Reimbursement	857.74
NACM	2015 Court Dues	125.00

Town of Frederick - List of Bills

July 18,2015 - August 14,2015

NATHAN DUMM & MAYER PC	Legal	14,632.91
NATIONAL RECREATION & PARK ASSOCIATION	Membership	99.00
NEBRASKA MUNICIPAL POWER POOL	Membership Dues	2,941.73
NEU FAMILY FOUNDATION	Memorial Gift	100.00
NEW EXPRESSION HOMES LLC	Deposit refund for drainage swell	1,000.00
NEWMAN TRAFFIC SIGNS, INC.	Signs	207.89
NORTH AMERICAN TITLE CO	Refund Overpayment	125.20
NORTHERN CO. WATER CONSERVANCY DISTRICT	Transfer fee water shares	3,228.00
NORTHERN COLORADO CONSTRUCTORS INC	Eagle Business Park PH 2	42,647.48
O'REILLY AUTOMOTIVE INC	Supplies	506.67
PARAGON GRAPHICS & PRINTING	Marketing Brochures	115.00
PAUL C BENEDETTI	Legal Services	5,907.50
PETE'S PLACE / PAPA FRANKS	Community BBQ Tour	800.00
PINNACOL ASSURANCE	Worker's Comp	13,040.00
PREMIER DENVER EVENT RENTALS	Frederick Market event	254.73
RAMEY ENVIRONMENTAL COMPLIANCE	ORC Services Distr. & Collection Systems	100.00
REDI SERVICES LLC	Service Porta Johns	366.65
RICHARD LEFFLER	Travel reimbursement	85.46
ROBERTO SEQUEIRA	Downtown Sounds	800.00
ROCKY MOUNTAIN INFORMATION NETWORK	Membership fee	100.00
SAFETY & CONSTRUCTION SUPPLY INC	Safety supplies	174.44
SAFEWAY	Supplies	180.90
SAGE ECOLOGICAL SERVICES LLC	Environmental consulting	5,156.83
SAINT AUBYN HOMES	Refund Overpayment	80.72
SAMSON LAW FIRM	Legal Services	11,500.00
SHRED-IT USA	Document Shredding	71.40
SOURCE GAS	Gas Usage	196.16
SPEEDPRO IMAGING	Chainsaws & Chuckwagons banner	285.60
STANLEY M SLOWIK INC	Pre-employment exam	159.50
STARKOVICH LAW, LLC	Legal Services-Special Prosecution	828.22
STEPHANIE SALAZAR	Consulting Services-ED	6,500.00
STEWART TITLE	Refund Overpayment	24.23
STRIGLOS COMPANIES, INC.	Computer Equipment	1,579.12
TELOS ONLINE	Wireless service	309.99
THE COLLINS GROUP INC	Nylon Flags	2,504.00
THE TRANSLATION & INTERPRETING CENTER	Interpreter services	225.00
THE TREE FARM	Tree vouchers	500.00
THE TREE FARM	Tree replacement	498.00
THEA LINDSTROM	Refund Overpayment	75.00
TIMBERLAN	IT Services	5,890.00
TLO LLC	Investigations	87.75
TOWN OF FREDERICK	Miner's Day Sponsorship	5,000.00
TRACTOR SUPPLY CREDIT PLAN	Tractor Supplies	190.94
TYLER SCHWARTZKOPF	Board Meeting Recordings	90.00
UMB BANK	Custodian Fee	187.50
UNIFIRST CORPORATION	Mat Service	220.00
UNITED POWER	Relocate lines outside ROW	33,892.00

Town of Frederick - List of Bills

July 18,2015 - August 14,2015

UNITED POWER	Electric Utility	180,102.85
UNITED RENTALS (NORTH AMERICA) INC	Crossing plate supplies	85.00
UNIVERSITY OF COLO AT BOULDER	2015 Scholarship	1,500.00
UPPER CASE PRINTING, INK.	Newsletter printing	835.00
UTILITY NOTIFICATION CENTER OF COLORADO	Utility Locates	725.01
UTILITY SALES & SERVICE INC	Contract Meter Reading	1,787.52
VALLEY BANK	PW Loan Payment	84,820.10
VERIZON WIRELESS	Wireless cards for patrol vehicles	2,349.72
W.L. CONTRACTORS, INC.	Lamp Changes	560.02
WARD ELECTRIC COMPANY INC	Electric O & M	28,684.66
WARD ENGINEERING INC	Engineering Aid	757.56
WASTE CONNECTIONS OF COLO INC	Trash Service	41,625.92
WESTERN UNITED ELECTRIC SUPPLY CORP	Electrical Supplies	2,588.85
WORKWELL OCCUPATIONAL MEDICINE	Evaluation, Physical & Drug Screening	763.12
WRIGHT EXPRESS	Fuel	6,929.17
YES COMMUNITIES	Refund Overpayment	34.20
	Grand Total:	<u>1,683,136.10</u>



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING CHAPTER 8, "VEHICLES AND TRAFFIC," ARTICLE II, "ABANDONED AND JUNK VEHICLES," SECTION 8-21 "IMPOUNDMENT," OF THE MUNICIPAL CODE OF THE TOWN OF FREDERICK, AND SETTING FORTH DETAILS IN RELATION THERETO.

Agenda Date: Town Board Meeting - August 25, 2015

Attachments: a. Ordinance No. 1199

Finance Review: _____
Finance Director

Submitted by: Kristin N. Brown, Town Prosecutor

Approved for Presentation: 
Town Manager

☐ Quasi-Judicial

☐ Legislative

☐ Administrative

Summary Statement:

The proposed ordinance authorizes the police department to tow a vehicle parked in violation of a "No Parking" sign posted by official action.

Detail of Issue/Request:

FMC 8-41 sets forth specific instances in which a police officer may tow a vehicle. The PD has had issues with vehicles parking in posted "No Parking" spaces (especially for Farmers Market and other community events). While a ticket can be issued for the parking violation (fine: \$30), the vehicle will remain in violation until the driver returns to leave the area. The ordinance adds language to FMC 8-41 authorizing an officer to tow a vehicle parked in violation of a posted "No Parking" sign that is posted by official action (at the direction of a town official, not a hand-made sign a citizen erects).

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Legal/Political Considerations:

When authorized, officers may arrange for the tow of a vehicle. The ordinance expands that specific authority.

Alternatives/Options:

The Board of Trustees can vote to adopt the proposed ordinance, or not.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff recommends that the Board of Trustees adopt the proposed ordinance.

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1199**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
AMENDING CHAPTER 8, "VEHICLES AND TRAFFIC," ARTICLE II,
"ABANDONED AND JUNK VEHICLES," SECTION 8-21
"IMPOUNDMENT," OF THE MUNICIPAL CODE OF THE TOWN OF
FREDERICK, AND SETTING FORTH DETAILS IN RELATION
THERE TO.**

WHEREAS, the Board of Trustees of the Town of Frederick determines that such amendments are necessary for the preservation of the public property, health, safety, and welfare of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Chapter 8, "Vehicles and Traffic," Article II, "Abandoned and Junk Vehicles," Section 8-21 of the Municipal Code of the Town of Frederick, entitled "Impoundment" is hereby amended with the addition of a subsection (a)(1) j. to read as follows:

Sec. 8-21. Impoundment.

(a)(1) General authorization.

j. A vehicle parked in violation of "No Parking" signs, posted by official action, may be towed.

Section 2. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 3. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS
____ day of _____, 2015.

TOWN OF FREDERICK

By: _____
Tony Carey, Mayor

ATTEST:

By _____
Megan Martinez, Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee


Meadowlark Business Park, Filing No. 3 – Preliminary and Final Plat

Agenda Date: Town Board Meeting - August 25, 2015

Attachments: a. None

Finance Review: _____
Finance Director

Submitted by: Chris Kennedy
Planner III

Approved for Presentation: _____
T: 

☒ Quasi-Judicial

☐ Legislative

☐ Administrative

Summary Statement:

Staff requests that the Board of Trustees continue this item to the next available meeting date. The item cannot be presented because the applicant did not post physical public notice of the scheduled hearing on the property as required in Section 4.5.7 of the Town Land Use Code.



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

November 2015 Ballot Issue for a Lodging Tax of 4% Commencing January 1, 2017

Agenda Date: Town Board Meeting - August 25, 2015

Attachments: a. Resolution 15-R-51

Finance Review:

Finance Director

Submitted by:



Town Manager

Approved for Presentation:



Town Manager

☐ Quasi-Judicial

☒ Legislative

☒ Administrative

Summary Statement:

The resolution presented would place a lodging tax question on the November 3, 2015 coordinated election to all registered voters of The Town of Frederick.

Detail of Issue/Request:

On both July 14th and July 21st 2015 the Board of Trustees discussed the desire to initiate a ballot on the November 3, 2015 coordinated election with Weld County. The Board has deliberated possible ballot language. The attached resolution for consideration would initiate a lodging tax and if approved by voters this would become effective for collection January 1, 2017 – no tax dollars would be collected during the year of 2016. This ballot language is directly related to the potential that we have for a hotel facility. During the last discussion at the board meeting, three questions were brought up by the Board, those questions were as follows;

1. How does the lodging tax effect Air B&B and BRBO type applications with respect to the tax?

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With respect to these outfits and applications an ordinance will need to be established related to the lodging tax as a whole. The ordinance could specifically exclude the application of this lodging tax from Air B&B or BRBO applications.

2. What is the difference between the terms in the land use code verses the terms being used in the ballot language?

Based on the outcome of the ballot initiative proposed staff would be able during the 2016 calendar year bring changes to the land use code that are compliant with the terms that are approved in the ballot language to insure consistency and that only hotel and motel applications are part of the tax charge.

3. Does adding “estimate” into the language change the application to collect or the possibly to collect sales tax in 2016 if a hotel were establish during the 2016 calendar year?

No, the Town would still be prohibited from collecting any tax in totality during the 2016 calendar year at the rate of 4% as proposed in the ballot language. Consequently the dollar amount would still equal zero.

Legal Comments:

The ballot language was modified to include comments by Board members during the discussion at the last meeting and the final language was drafted by special counsel Tom Peltz and reviewed by the Town Attorney. Once the resolution is adopted, the TABOR rules apply as to staff involvement in promoting the adoption of the language at the November election.

Alternatives/Options:

The Board could consider alternative language at this time, but the resolution would need to be approved no later than September 3, 2015 to be certified by the Weld County elections clerk.

Financial Considerations:

Not Applicable.

Staff Recommendation:

Staff recommends approval of the ballot indicative to be placed on the November 3, 2015 coordinated election for consideration by the registered voters of The Town of Frederick.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 15-R-51**

A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, SUBMITTING TO THE REGISTERED ELECTORS VOTING IN THE COORDINATED ELECTION, TO BE HELD NOVEMBER 3, 2015, A BALLOT ISSUE CONCERNING WHETHER THE TOWN OF FREDERICK SHOULD IMPOSE AND ASSESS AN EXCISE TAX ON THE SHORT-TERM RENTAL ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE, OR OTHER SIMILAR SHORT TERM TEMPORARY ACCOMMODATION OF LESS THAN THIRTY (30) CONSECUTIVE DAYS;

WHEREAS, the Town of Frederick, Colorado (“Town”), is a statutory town; and

WHEREAS, C.R.S. 31-15-501(1)(c) authorizes the Town to levy excise taxes within its borders; and

WHEREAS, the provision of lodging rooms and accommodations to the traveling public results in the increased use of Town streets and rights-of-way, increased traffic, increased demands upon municipal services such as police protection, and has substantial effect upon the health, safety, and welfare of the citizens of the Town of Frederick and upon the expenditures budgeted by the Town; and

WHEREAS, the Board of Trustees desires and finds that is necessary to adopt a Lodging Excise Tax, and desires to designate the revenues raised from such tax to be deposited in; and

WHEREAS, the development of hotels and motels into the community create additional stress and impact upon the Town infrastructure including streets, stormwater, and water consumption; and

WHEREAS, the development of hotels and motels also impacts general fund services such as police and other general fund operations; and

WHEREAS, hotels and motels are significant economic drivers for the community; and

WHEREAS, hotels and motels positively impact other economic development immediately adjacent to it and throughout the community; and

WHEREAS, the Town desires to have developed in the community a hotel and conference center to meet the needs of the community and the region; and

WHEREAS, Article X, Section 20, of the Colorado Constitution (“TABOR Amendment”) limits the ability of the Town to enact new taxes; and

WHEREAS, the TABOR Amendment permits electors of the Town to approve the

adoption of new taxes and to authorize the expenditure of revenues from such taxes; and

WHEREAS, the Board finds and determines that it is necessary and desirable to submit to the electors of the Town voting at the Coordinated Election to be held on November 3, 2015, the question of enacting an excise tax on the short-term rental of any hotel room, motel room, lodging room, motor hotel room, guesthouse room, or other similar accommodation located within the Town.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed toward the election in the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. The following Ballot Issue shall be submitted to the qualified electors of the Town voting at the Coordinated Election to be held on November 3, 2015:

“BALLOT TITLE

SHALL THE TOWN OF FREDERICK TAXES BE INCREASED \$-0- IN THE FIRST FULL FISCAL YEAR (2016) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER THROUGH THE IMPOSITION AND ASSESSMENT OF A FOUR PERCENT (4%) EXCISE TAX COMMENCING JANUARY 1, 2016, TO BE PAID BY LODGERS WITHIN THE TOWN OF FREDERICK ON THE PURCHASE PRICE PAID OR CHARGED FOR THE FURNISHING OF ANY HOTEL ROOM, MOTEL ROOM, LODGING ROOM, MOTOR HOTEL ROOM, GUEST HOUSE, OR OTHER SIMILAR SHORT TERM TEMPORARY ACCOMMODATION OF LESS THAN THIRTY (30) CONSECUTIVE DAYS; AND SHALL ALL REVENUES DERIVED FROM SUCH EXCISE TAX BE COLLECTED AND SPENT ON ANY LAWFUL USE, INCLUDING BUT NOT LIMITED TO INCENTIVES FOR HOTEL AND CONFERENCE CENTER DEVELOPMENT?

_____ YES _____ NO”

Section 3. For purposes of Section 1-11-203.5, C.R.S., this Resolution shall serve to set the ballot title for the ballot issue set forth above, and the ballot title for the ballot issue shall be the text of such ballot issue.

Section 4. In addition to the notice of election required to be published by the Uniform Election Code of 1992, the Town Clerk shall also caused to be published a notice stating that written comments for or against the ballot issue described above may be filed with the Town Clerk a on or before 5:00 PM, on September 18, 2015, and that a summary of such comments will be distributed to registered voters in accordance with law.

Section 5. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. Upon approval of the above Ballot Issue by the majority of the registered electors voting thereon, the Board shall enact an implementing ordinance consistent with all of the terms and conditions contained in the above Ballot Issue.

INTRODUCED, READ, PASSED, AND ADOPTED THIS ____ DAY OF AUGUST, 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Jim Wollack, Mayor Pro Tem
Rafer Burnham, Trustee
Amy Schiers, Trustee

Tony Carey, Mayor

Laura Brown, Trustee
Gavin Payne, Trustee
Fred Skates, Trustee

To Consider the Brunemeier Annexation and Zoning

Agenda Date: August 25, 2015

Attachments:

- a. Petition to Annex
- b. Minutes from the August 4, 2015 Planning Commission
- c. PCR2015-08A
- d. Annexation Resolution and Ordinance
- e. Zoning Resolution and Ordinance
- f. Vicinity Map
- g. Annexation Map

Finance Review: _____
Finance Director

Submitted by: Nick Nelson
Planning Director

Approved for Presentation: Matthew S. Ziegler
Town Manager

☒ Quasi-Judicial

☒ Legislative

☐ Administrative

Summary Statement:

This is a request for the Town to annex approximately 127.353 acres generally ½ of a mile north of the Highway 52 curve and adjacent to 6505 CR 17 and 6429 CR 17.

Detail of Issue/Request:

Mr. James Brunemeier has requested annexation of the two adjacent lots that make up his property located on the Northwest Corner of CR 17 approximately 1/2 of a mile north of the Highway 52 curve and adjacent to 6505 CR 17 and 6429 CR 17. The two lots represent a combined property area of

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approximately 127.353 acres. The property meets contiguity requirements established by State Statute via its western and southern boundaries of 3,326.39 feet being adjacent to the existing Town boundary represented by The Josephine Roche Annexation to the west and the Johnson Farms/Spindle Hill Energy Annexation to the South. The property's total boundary is 12,254.22 feet in length, 27.1% of which is contiguous with existing Town boundary. Therefore, the required minimum of at least 1/6 contiguity (16.7%) is surpassed.

The application is in substantial compliance with the applicable requirements and eligible for annexation. Therefore, in accordance with Article 13.5.1.a of the Land Use Code, the Board of Trustees may, by the adoption of a resolution of intent to annex, set the annexation and zoning for public hearing before the Board of Trustees on a specified date, time and place, not less than thirty days nor more than sixty days from the effective date of the resolution, subject to compliance with Section 31-12-108, C.R.S. Section 107 and 108.

Review Criteria:

The following are criteria against which the Planning Commission and Board of Trustees should consider the proposed annexation as required by the Town Land Use Code:

Section 13.2 General Provisions

1. Annexation of lands to the Town shall be in accordance with this Code and the laws of the State in effect at the time of annexation and which may be amended from time to time, including but not limited to requests for zoning as provided for in Sections 3.2.4, 4.7.2, and 13.3 of the Land Use Code as well as the processes further described in Article 4 of this Code and other Sections as applicable.

Staff Comment: The Brunemeier Annexation has been prepared in accordance with the Town of Frederick Land Use Code and State Statutes. Zoning has been requested that follows the processes outlined in Section 4.7.2 and 13.3 and complies with the definitions identified in Section 3.2.4.

2. The Board of Trustees may consider annexation of any land that satisfies the eligibility requirements of the statutes of the State as follows:
 - a. The area proposed for annexation has not less than one-sixth of its perimeter contiguous with the municipal boundaries;

Staff Comment: The Brunemeier Annexation is currently bordered by the Town boundary on its western and southern boundaries. The total perimeter of the property is 12,254.22 feet and 3,326.39 feet are contiguous with Town boundary thereby exceeding the required one-sixth contiguity as established by State Statute.

- b. A community of interest exists between the area proposed for annexation and the Town; the area is urban or will be urbanized in the near future; and said area is integrated with or is capable of being integrated with the annexing municipality.

Staff Comment: The Brunemeier Annexation is currently dry land farmed. All land within the annexation is suitable for development.

- c. The proposed annexation furthers the intent of the Comprehensive Plan.

Staff Comment: The Brunemeier Annexation is fully within the Town's Comprehensive Plan, established April 20, 2006. The annexation implements the Town's desire to provide a diversity in the types of housing to adequately supply residential units for all economic segments (Goal 9).

3. If the Board of Trustees determines to proceed with annexation of property, the Board shall make such determination by resolution which shall include the public hearing date.

Staff Comment: The Board of Trustees considered and approved Resolution 15-R-41 at its meeting on July 14, 2015. The public hearing before the Board of Trustees is scheduled for August 25, 2015.

4. Except as otherwise provided, the full width of all public rights-of-way adjacent to a proposed annexation shall be included in the annexation.

Staff Comment: The full rights-of-way for Wheatland Boulevard/Weld County Road 17 adjacent to the property will be annexed.

5. Application for inclusion into and exclusion from any applicable special district(s) shall be the responsibility of the applicant.
 - a. Applications for inclusion and exclusion must be submitted within 30 days of annexation.

Staff Comment: The applicant acknowledges the responsibility to include special districts as required by the Town of Frederick. The inclusion document for the Carbon Valley Recreation District has already been signed and notarized and is ready for submittal to the District.

- b. Contact the applicable special district for inclusion / exclusion requirements

Staff Comment: Each special district has been contacted for district specific requirements. Documents will be submitted as required.

- c. A draft of the inclusion / exclusion documents shall be submitted with the annexation application.

Staff Comment: Draft documents have been prepared and submitted.

Section 13.5 Public Review and Notice

13.5.5 ...The Commission and Trustees shall also consider if the proposed annexation meets the following criteria in taking action to recommend approval or denial, or to table the annexation to a date certain for further consideration:

- a. The proposed annexation is consistent with the policies and goals of the Town's adopted Comprehensive Plan;

Staff Comment: The Brunemeier Annexation promotes Goal 9 of the Comprehensive Plan – Provide a diversity in the types of housing to adequately supply residential units for all economic segments.

- b. The proposed annexation promotes geographical balance of the Town's land use pattern;

Staff Comment: The Brunemeier Annexation will provide residential and open space opportunities along the Town's western boundary. This addition will provide geographical balance to the densities found closer to the core of the Town.

- c. Adequate services are, or will be, available to support the development expected to result from the proposed annexation;

Staff Comment: The Brunemeier Annexation is currently served by the following districts: St. Vrain Sanitation, United Power, Source Gas. There has been no referral to suggest that services wouldn't be able to be provided.

- d. The proposed annexation provides for a continual and rational boundary; and

Staff Comment: The annexation extends the Town's boundary in a rational manner, north along Wheatland Boulevard adjacent to existing Town boundaries.

- e. The proposed annexation is needed to accommodate future land use requirements.

Staff Comment: The Brunemeier Annexation will provide additional residential opportunities to future developers.

Planning Commission:

The Planning Commission considered this application at the meeting held August 4, 2015. The Planning Commission had a question regarding the ditch that runs along the north border of the annexation, and if it was included in the proposal. Staff pointed out that it would not be a part of the annexation. The Commission voted unanimously to approve PCR-2015-08A, a resolution of the Planning Commission recommending approval of the Brunemeier Annexation and Zoning.

Public Notice:

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

Legal/Political Considerations:

The annexation complies with State Statute and Town Code.

Alternatives/Options:

The Board of Trustees may choose to approve, deny, approve with conditions all proposed ordinances and resolutions.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff recommends approval of the attached resolutions and ordinances related to the Brunemeier Annexation and Zoning.

Brunemeier Annexation

PETITION FOR ANNEXATION TO THE TOWN OF FREDERICK

DATE: (05/05/2015)

TO: THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO.

I, James Brunemeier the undersigned landowner, in accordance with Colorado law, hereby petition the Town of Frederick and its Board of Trustees for annexation to the Town of Frederick of the following described unincorporated territory located in the County of Weld and State of Colorado, to-wit:

A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 32 AND IN THE NW1/4 OF SECTION 33, T2N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32, FROM WHICH THE E1/4 CORNER OF SAID SECTION 32 BEARS S00°01'32"E, 2637.64 FEET (BASIS OF BEARING), THENCE S00°01'32"E, 30.00 FEET ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 16 AND THE POINT OF BEGINNING;

THENCE N89°22'21"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE EASTERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 17;

THENCE S00°01'32"E, 2607.64 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33;

THENCE S89°22'20"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33 TO THE E1/4 CORNER OF SECTION 32;

THENCE S89°23'14"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 650.11 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO CENTRAL WELD COUNTY WATER DISTRICT AS DESCRIBED IN QUIT CLAIM DEED RECORDED MARCH 25, 1996, AS RECEPTION NO. 2482459 OF THE RECORDS OF WELD COUNTY,

COLORADO;

THENCE S89°23'23"W, 299.74 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°02'07"W, 200.09 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO TOWN OF FREDERICK AS DESCRIBED IN WARRANTY DEED RECORDED SEPTEMBER 12, 1978, AS RECEPTION NO. 1766292 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'11"W, 0.05 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'32"E, 150.00 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE SOUTHWEST CORNER THEREOF, ALSO BEING A POINT ALONG THE NORTHERLY LINE OF LOT "A" OF CORRECTED RECORDED EXEMPTION 1311-32-1-RE1674, A RECORDED EXEMPTION IN THE COUNTY OF WELD, STATE OF COLORADO, RECORDED DECEMBER 17, 1996, AS RECEPTION NO. 2525399 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'14"W, 5.63 FEET ALONG THE NORTHERLY LINE OF SAID LOT "A", TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'44"E, 300.03 FEET ALONG THE WESTERLY LINE OF SAID LOT "A" TO THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32;

THENCE S89°23'14"W, 2284.14 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE C1/4 CORNER OF SAID SECTION 32;

THENCE N00°09'44"E, 282.45 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE EASTERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 285 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N42°20'05"E, 169.58 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 137.26 FEET ALONG THE ARC OF SAID CURVE

TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 52°25'51", AND BEING SUBTENDED BY A CHORD THAT BEARS N16°07'09"E, 132.52 FEET;

THENCE N10°05'46"W, 92.94 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 172.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1150.00 FEET, A CENTRAL ANGLE OF 08°34'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N14°23'11"W, 172.06 FEET;

THENCE N18°40'35"W, 95.60 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 51.20 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 13°38'36", AND BEING SUBTENDED BY A CHORD THAT BEARS N11°51'17"W, 51.08 FEET;

THENCE N05°01'59"W, 50.89 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 58.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 12°42'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N01°19'26"E, 58.68 FEET;

THENCE N07°40'50"E, 42.38 FEET;

THENCE N10°20'27"E, 46.05 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 107.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 38°31'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N08°55'28"W, 105.58 FEET;

THENCE N28°11'23"W, 37.40 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, 70.31 FEET ALONG THE ARC OF SAID CURVE TO THE WEST LINE OF THE NE1/4 OF SAID SECTION 32, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 15°12'08", AND BEING SUBTENDED BY A CHORD THAT BEARS N20°35'19"W, 70.11 FEET;

THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, N00°09'44"E, 699.80 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 286 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N33°30'13"E, 111.68 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 28.14 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE RIGHT, SAID ARC HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 07°40'40", AND BEING SUBTENDED BY A CHORD THAT BEARS N29°39'53"E, 28.12 FEET;

THENCE NORTHEASTERLY, 83.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 155.00 FEET, A CENTRAL ANGLE OF 30°54'08", AND BEING SUBTENDED BY A CHORD THAT BEARS N41°16'37"E, 82.59 FEET;

THENCE N56°43'41"E, 149.62 FEET;

THENCE N47°19'25"E, 153.65 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHEASTERLY, 87.72 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 50°15'35", AND BEING SUBTENDED BY A CHORD THAT BEARS N72°27'13"E, 84.93 FEET;

THENCE S82°25'00"E, 175.20 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 134.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 245.70 FEET, A CENTRAL ANGLE OF 31°26'04", AND BEING SUBTENDED BY A CHORD THAT BEARS N81°51'58"E, 133.12 FEET;

THENCE N66°08'56"E, 59.29 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE EASTERLY, 239.90 FEET ALONG THE ARC OF SAID CURVE TO A

POINT TANGENT, SAID ARC HAVING A RADIUS OF 197.22 FEET, A CENTRAL ANGLE OF 69°41'37", AND BEING SUBTENDED BY A CHORD THAT BEARS S79°00'15"E, 225.38 FEET;

THENCE S44°09'27"E, 81.12 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE SOUTHEASTERLY, 162.23 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 254.00 FEET, A CENTRAL ANGLE OF 36°35'39", AND BEING SUBTENDED BY A CHORD THAT BEARS S62°27'16"E, 159.48 FEET;

THENCE S80°45'06"E, 235.24 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, 64.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE LEFT, SAID ARC HAVING A RADIUS OF 52.00 FEET, A CENTRAL ANGLE OF 70°45'30", AND BEING SUBTENDED BY A CHORD THAT BEARS S45°22'21"E, 60.21 FEET;

THENCE SOUTHEASTERLY, 187.88 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 58°11'14", AND BEING SUBTENDED BY A CHORD THAT BEARS S39°05'13"E, 179.91 FEET;

THENCE S68°10'50"E, 78.57 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 110.10 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 258.00 FEET, A CENTRAL ANGLE OF 24°27'01", AND BEING SUBTENDED BY A CHORD THAT BEARS S80°24'21"E, 109.26 FEET;

THENCE N87°22'09"E, 132.92 FEET;

THENCE S88°15'31"E, 109.26 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 201.75 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 22°26'42", AND BEING SUBTENDED BY A CHORD THAT BEARS N80°31'08"E, 200.46 FEET;

THENCE N69°17'47"E, 30.57 FEET TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JANUARY 31, 2003, AS RECEPTION NO. 3029077 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, S89°50'32"E, 317.60 FEET ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 3029077 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 587.25 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16;

THENCE N89°09'38"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE POINT OF BEGINNING.

AREA = 127.353 ACRES, MORE OR LESS.

As part of this petition, your petitioner further states to the Board of Trustees of Frederick, Colorado, that:

1. It is desirable and necessary that the territory described above be annexed to the Town of Frederick.
2. The requirements of C.R.S. sections 31-12-104 and 31-12-105, as amended, exist or have been met in that:
 - a. Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the Town of Frederick or will be contiguous with the Town of Frederick within such time as required by 31-12-104.
 - b. A community of interest exists between the area proposed to be annexed and the Town of Frederick.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Frederick.
 - e. No land within the boundary of the territory proposed to be annexed which is held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels were separated by a

dedicated street, road or other public way.

- f. No land within the boundary of the area proposed to be annexed which is held in identical ownership, comprises twenty acres or more, and which,, together with the buildings and improvements situated thereon has an assessed value in excess of two hundred thousand dollars (\$200,000.00) for ad valorem tax purposes for the year next preceding the annexation, has been included within the area proposed to be annexed without the written consent of the landowner or landowners.
 - g. No annexation proceedings have been commenced for any portion of the territory proposed to be annexed for the annexation of such territory to another municipality.
 - h. The annexation of the territory proposed to be annexed will not result in the detachment of area from any school district.
 - i. The annexation of the territory proposed to be annexed will not have the effect of extending the boundary of the Town of Frederick more than three miles in any direction from any point of the boundary of the Town of Frederick in any one year.
 - j. Prior to completion of the annexation of the territory proposed to be annexed, the Town of Frederick will have in place a plan for that area, which generally describes the proposed: Location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town of Frederick; and the proposed land uses for the area; such plan to be updated at least once annually.
 - k. In establishing the boundary of the territory proposed to be annexed, if a portion of a platted street or alley is to be annexed, the entire width of the street or alley has been included within the territory to be annexed. The Town of Frederick will not deny reasonable access to any landowners, owners of any easement, or the owners of any franchise adjoining any platted street or alley which is to be annexed to the Town of Frederick but is not bounded on both sides by the Town of Frederick.
3. The owners of more than fifty percent of the area proposed to be annexed, exclusive of dedicated streets and alleys, have signed this

petition and hereby petition for annexation of such territory.

4. Accompanying this petition are four copies of an annexation map containing the following information:
 - a. A written legal description of the boundaries of the area proposed to be annexed;
 - b. A map showing the boundary of the area proposed to be annexed, said map prepared and containing the seal of a registered engineer;
 - c. Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks;
 - d. Next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the Town of Frederick and the contiguous boundary of any other municipality abutting the area proposed to be annexed, and a showing of the dimensions of such contiguous boundaries.
5. Upon the Annexation Ordinance becoming effective, all lands within the area proposed to be annexed will become subject to all ordinances, rules and regulations of the Town of Frederick, except for general property taxes of the Town of Frederick which shall become effective as the January 1 next ensuing.
6. The zoning classification requested for the area proposed to be annexed is: No zoning assignment at this time

WHEREFORE, the following petitioner respectfully requests that the Town of Frederick, acting through its Board of Trustees, approve the annexation of the area proposed to be annexed. By this acknowledgment, the undersigned hereby certify that the above information is complete and true.

James A. Brummeier
Owner

6-1-2015
Date

Owner

Date

James A. Brunemeier
Applicant

06/01/15
Date

STATE OF COLORADO)

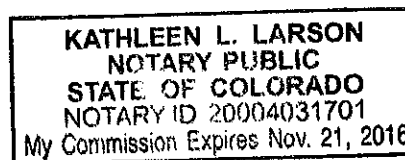
COUNTY OF Weld)ss.

The foregoing instrument was acknowledged before me this 1st day
of June, 2015 by James A. Brunemeier

My commission expires: 11/21/2016

Witness My Hand and Official Seal.

Kathleen L. Larson
Notary Public



RECORD OF LAND OWNERSHIP AND DATED SIGNED

Please print

Landowner/Petitioner: James A. Brunemeier

Mailing Address: 2526 CR 10, Erie Co 80516

Date: 5-1-2015

Legal Description of Land Owned:

A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 32 AND IN THE NW1/4 OF SECTION 33, T2N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32, FROM WHICH THE E1/4 CORNER OF SAID SECTION 32 BEARS S00°01'32"E, 2637.64 FEET (BASIS OF BEARING), THENCE S00°01'32"E, 30.00 FEET ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 16 AND THE POINT OF BEGINNING;

THENCE N89°22'21"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE EASTERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 17;

THENCE S00°01'32"E, 2607.64 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33;

THENCE S89°22'20"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33 TO THE E1/4 CORNER OF SECTION 32;

THENCE S89°23'14"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 650.11 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO CENTRAL WELD COUNTY WATER DISTRICT AS DESCRIBED IN QUIT CLAIM DEED RECORDED MARCH 25, 1996, AS RECEPTION NO. 2482459 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'23"W, 299.74 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°02'07"W, 200.09 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO TOWN OF FREDERICK AS DESCRIBED IN WARRANTY DEED RECORDED SEPTEMBER 12, 1978, AS RECEPTION NO. 1766292 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'11"W, 0.05 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'32"E, 150.00 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE SOUTHWEST CORNER THEREOF, ALSO BEING A POINT ALONG THE NORTHERLY LINE OF LOT "A" OF CORRECTED RECORDED EXEMPTION 1311-32-1-RE1674, A RECORDED EXEMPTION IN THE COUNTY OF WELD, STATE OF COLORADO, RECORDED DECEMBER 17, 1996, AS RECEPTION NO. 2525399 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'14"W, 5.63 FEET ALONG THE NORTHERLY LINE OF SAID LOT "A", TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'44"E, 300.03 FEET ALONG THE WESTERLY LINE OF SAID LOT "A" TO THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32;

THENCE S89°23'14"W, 2284.14 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE C1/4 CORNER OF SAID SECTION 32;

THENCE N00°09'44"E, 282.45 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE EASTERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 285 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N42°20'05"E, 169.58 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 137.26 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 52°25'51", AND BEING SUBTENDED BY A CHORD THAT BEARS N16°07'09"E, 132.52 FEET;

THENCE N10°05'46"W, 92.94 FEET TO A POINT OF CURVE TO THE

LEFT;

THENCE NORTHERLY, 172.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1150.00 FEET, A CENTRAL ANGLE OF $08^{\circ}34'49''$, AND BEING SUBTENDED BY A CHORD THAT BEARS $N14^{\circ}23'11''W$, 172.06 FEET;

THENCE $N18^{\circ}40'35''W$, 95.60 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 51.20 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF $13^{\circ}38'36''$, AND BEING SUBTENDED BY A CHORD THAT BEARS $N11^{\circ}51'17''W$, 51.08 FEET;

THENCE $N05^{\circ}01'59''W$, 50.89 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 58.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF $12^{\circ}42'49''$, AND BEING SUBTENDED BY A CHORD THAT BEARS $N01^{\circ}19'26''E$, 58.68 FEET;

THENCE $N07^{\circ}40'50''E$, 42.38 FEET;

THENCE $N10^{\circ}20'27''E$, 46.05 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 107.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF $38^{\circ}31'49''$, AND BEING SUBTENDED BY A CHORD THAT BEARS $N08^{\circ}55'28''W$, 105.58 FEET;

THENCE $N28^{\circ}11'23''W$, 37.40 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, 70.31 FEET ALONG THE ARC OF SAID CURVE TO THE WEST LINE OF THE NE $\frac{1}{4}$ OF SAID SECTION 32, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF $15^{\circ}12'08''$, AND BEING SUBTENDED BY A CHORD THAT BEARS $N20^{\circ}35'19''W$, 70.11 FEET;

THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, $N00^{\circ}09'44''E$, 699.80 FEET ALONG THE WEST LINE OF THE NE $\frac{1}{4}$ OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN

WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 286 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N33°30'13"E, 111.68 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 28.14 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE RIGHT, SAID ARC HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 07°40'40", AND BEING SUBTENDED BY A CHORD THAT BEARS N29°39'53"E, 28.12 FEET;

THENCE NORTHEASTERLY, 83.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 155.00 FEET, A CENTRAL ANGLE OF 30°54'08", AND BEING SUBTENDED BY A CHORD THAT BEARS N41°16'37"E, 82.59 FEET;

THENCE N56°43'41"E, 149.62 FEET;

THENCE N47°19'25"E, 153.65 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHEASTERLY, 87.72 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 50°15'35", AND BEING SUBTENDED BY A CHORD THAT BEARS N72°27'13"E, 84.93 FEET;

THENCE S82°25'00"E, 175.20 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 134.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 245.70 FEET, A CENTRAL ANGLE OF 31°26'04", AND BEING SUBTENDED BY A CHORD THAT BEARS N81°51'58"E, 133.12 FEET;

THENCE N66°08'56"E, 59.29 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE EASTERLY, 239.90 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 197.22 FEET, A CENTRAL ANGLE OF 69°41'37", AND BEING SUBTENDED BY A CHORD THAT BEARS S79°00'15"E, 225.38 FEET;

THENCE S44°09'27"E, 81.12 FEET TO A POINT OF CURVE TO THE

LEFT;
THENCE SOUTHEASTERLY, 162.23 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 254.00 FEET, A CENTRAL ANGLE OF 36°35'39", AND BEING SUBTENDED BY A CHORD THAT BEARS S62°27'16"E, 159.48 FEET;

THENCE S80°45'06"E, 235.24 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, 64.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE LEFT, SAID ARC HAVING A RADIUS OF 52.00 FEET, A CENTRAL ANGLE OF 70°45'30", AND BEING SUBTENDED BY A CHORD THAT BEARS S45°22'21"E, 60.21 FEET;

THENCE SOUTHEASTERLY, 187.88 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 58°11'14", AND BEING SUBTENDED BY A CHORD THAT BEARS S39°05'13"E, 179.91 FEET;

THENCE S68°10'50"E, 78.57 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 110.10 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 258.00 FEET, A CENTRAL ANGLE OF 24°27'01", AND BEING SUBTENDED BY A CHORD THAT BEARS S80°24'21"E, 109.26 FEET;

THENCE N87°22'09"E, 132.92 FEET;

THENCE S88°15'31"E, 109.26 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 201.75 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 22°26'42", AND BEING SUBTENDED BY A CHORD THAT BEARS N80°31'08"E, 200.46 FEET;

THENCE N69°17'47"E, 30.57 FEET TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JANUARY 31, 2003, AS RECEPTION NO. 3029077 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, S89°50'32"E, 317.60 FEET ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 3029077 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID

WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 587.25 FEET ALONG THE WESTERLY RIGHT-OF-WAY
LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTHERLY RIGHT-OF-
WAY LINE OF SAID WELD COUNTY ROAD NO. 16;

THENCE N89°09'38"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY
LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE POINT OF BEGINNING.

AREA = 127.353 ACRES, MORE OR LESS.

AFFIDAVIT OF CIRCULATOR

STATE OF COLORADO)

COUNTY OF Weld)ss.
)

James A. Brunemeier, being first duly sworn upon oath, deposes and says that (he or she) was the circulator of this Petition for Annexation of lands to the Town of Frederick, Colorado, consisting of six (7) pages including this page and that each signature hereon was witnessed by your affiant and is the signature of the person whose name is purports to be.

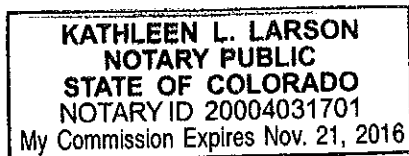
James A. Brunemeier
Circulator

STATE OF COLORADO)
COUNTY OF Weld)ss.

The foregoing instrument was acknowledged before me this 1st day of June, 2015 by James A. Brunemeier.

My commission expires: 11/21/2016

Witness My Hand and Official Seal.



Kathleen L. Larson
Notary Public

EXHIBIT A
(Brunemeier Annexation)

Legal Description:

A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 32 AND IN THE

NW1/4 OF SECTION 33, T2N, R67W OF THE 6TH P.M., COUNTY OF WELD,
STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32, FROM
WHICH THE E1/4 CORNER OF SAID SECTION 32 BEARS S00°01'32"E,
2637.64 FEET (BASIS OF BEARING), THENCE S00°01'32"E, 30.00 FEET
ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE
SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 16 AND THE
POINT OF BEGINNING;

THENCE N89°22'21"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY
LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE EASTERLY RIGHT-OF-
WAY LINE OF WELD COUNTY ROAD NO. 17;

THENCE S00°01'32"E, 2607.64 FEET ALONG THE EASTERLY RIGHT-OF-WAY
LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTH LINE OF THE
NW1/4 OF SAID SECTION 33;

THENCE S89°22'20"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NW1/4
OF SAID SECTION 33 TO THE E1/4 CORNER OF SECTION 32;

THENCE S89°23'14"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NE1/4
OF SAID SECTION 32 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID
WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 650.11 FEET ALONG THE WESTERLY RIGHT-OF-WAY
LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE NORTHERLY LINE OF
THAT TRACT OF LAND CONVEYED TO CENTRAL WELD COUNTY WATER
DISTRICT AS DESCRIBED IN QUIT CLAIM DEED RECORDED MARCH 25,
1996, AS RECEPTION NO. 2482459 OF THE RECORDS OF WELD COUNTY,
COLORADO;

THENCE S89°23'23"W, 299.74 FEET ALONG THE NORTHERLY LINE OF THAT
TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE
NORTHWEST CORNER THEREOF;

THENCE S00°02'07"W, 200.09 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO TOWN OF FREDERICK AS DESCRIBED IN WARRANTY DEED RECORDED SEPTEMBER 12, 1978, AS RECEPTION NO. 1766292 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'11"W, 0.05 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'32"E, 150.00 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE SOUTHWEST CORNER THEREOF, ALSO BEING A POINT ALONG THE NORTHERLY LINE OF LOT "A" OF CORRECTED RECORDED EXEMPTION 1311-32-1-RE1674, A RECORDED EXEMPTION IN THE COUNTY OF WELD, STATE OF COLORADO, RECORDED DECEMBER 17, 1996, AS RECEPTION NO. 2525399 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'14"W, 5.63 FEET ALONG THE NORTHERLY LINE OF SAID LOT "A", TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'44"E, 300.03 FEET ALONG THE WESTERLY LINE OF SAID LOT "A" TO THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32;

THENCE S89°23'14"W, 2284.14 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE C1/4 CORNER OF SAID SECTION 32;

THENCE N00°09'44"E, 282.45 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE EASTERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 285 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N42°20'05"E, 169.58 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 137.26 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 52°25'51", AND BEING SUBTENDED BY A CHORD THAT BEARS N16°07'09"E, 132.52 FEET;

THENCE N10°05'46"W, 92.94 FEET TO A POINT OF CURVE TO THE

LEFT;

THENCE NORTHERLY, 172.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1150.00 FEET, A CENTRAL ANGLE OF $08^{\circ}34'49''$, AND BEING SUBTENDED BY A CHORD THAT BEARS $N14^{\circ}23'11''W$, 172.06 FEET;

THENCE $N18^{\circ}40'35''W$, 95.60 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 51.20 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF $13^{\circ}38'36''$, AND BEING SUBTENDED BY A CHORD THAT BEARS $N11^{\circ}51'17''W$, 51.08 FEET;

THENCE $N05^{\circ}01'59''W$, 50.89 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 58.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF $12^{\circ}42'49''$, AND BEING SUBTENDED BY A CHORD THAT BEARS $N01^{\circ}19'26''E$, 58.68 FEET;

THENCE $N07^{\circ}40'50''E$, 42.38 FEET;

THENCE $N10^{\circ}20'27''E$, 46.05 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 107.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF $38^{\circ}31'49''$, AND BEING SUBTENDED BY A CHORD THAT BEARS $N08^{\circ}55'28''W$, 105.58 FEET;

THENCE $N28^{\circ}11'23''W$, 37.40 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, 70.31 FEET ALONG THE ARC OF SAID CURVE TO THE WEST LINE OF THE NE1/4 OF SAID SECTION 32, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF $15^{\circ}12'08''$, AND BEING SUBTENDED BY A CHORD THAT BEARS $N20^{\circ}35'19''W$, 70.11 FEET;

THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, $N00^{\circ}09'44''E$, 699.80 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN

WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 286
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THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE SOUTHERLY
RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

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LEFT;

THENCE NORTHEASTERLY, 28.14 FEET ALONG THE ARC OF SAID CURVE
TO A POINT OF REVERSE CURVE TO THE RIGHT, SAID ARC HAVING A
RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 07°40'40", AND
BEING SUBTENDED BY A CHORD THAT BEARS N29°39'53"E, 28.12
FEET;

THENCE NORTHEASTERLY, 83.60 FEET ALONG THE ARC OF SAID CURVE
TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 155.00 FEET,
A CENTRAL ANGLE OF 30°54'08", AND BEING SUBTENDED BY A CHORD
THAT BEARS N41°16'37"E, 82.59 FEET;

THENCE N56°43'41"E, 149.62 FEET;

THENCE N47°19'25"E, 153.65 FEET TO A POINT OF CURVE TO THE
RIGHT;

THENCE NORTHEASTERLY, 87.72 FEET ALONG THE ARC OF SAID CURVE
TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 100.00 FEET,
A CENTRAL ANGLE OF 50°15'35", AND BEING SUBTENDED BY A CHORD
THAT BEARS N72°27'13"E, 84.93 FEET;

THENCE S82°25'00"E, 175.20 FEET TO A POINT OF CURVE TO THE
LEFT;

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POINT TANGENT, SAID ARC HAVING A RADIUS OF 245.70 FEET, A
CENTRAL ANGLE OF 31°26'04", AND BEING SUBTENDED BY A CHORD
THAT BEARS N81°51'58"E, 133.12 FEET;

THENCE N66°08'56"E, 59.29 FEET TO A POINT OF CURVE TO THE
RIGHT;

THENCE EASTERLY, 239.90 FEET ALONG THE ARC OF SAID CURVE TO A
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THAT BEARS S79°00'15"E, 225.38 FEET;

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LEFT;
THENCE SOUTHEASTERLY, 162.23 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 254.00 FEET, A CENTRAL ANGLE OF 36°35'39", AND BEING SUBTENDED BY A CHORD THAT BEARS S62°27'16"E, 159.48 FEET;

THENCE S80°45'06"E, 235.24 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, 64.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE LEFT, SAID ARC HAVING A RADIUS OF 52.00 FEET, A CENTRAL ANGLE OF 70°45'30", AND BEING SUBTENDED BY A CHORD THAT BEARS S45°22'21"E, 60.21 FEET;

THENCE SOUTHEASTERLY, 187.88 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 58°11'14", AND BEING SUBTENDED BY A CHORD THAT BEARS S39°05'13"E, 179.91 FEET;

THENCE S68°10'50"E, 78.57 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 110.10 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 258.00 FEET, A CENTRAL ANGLE OF 24°27'01", AND BEING SUBTENDED BY A CHORD THAT BEARS S80°24'21"E, 109.26 FEET;

THENCE N87°22'09"E, 132.92 FEET;

THENCE S88°15'31"E, 109.26 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 201.75 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 22°26'42", AND BEING SUBTENDED BY A CHORD THAT BEARS N80°31'08"E, 200.46 FEET;

THENCE N69°17'47"E, 30.57 FEET TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JANUARY 31, 2003, AS RECEPTION NO. 3029077 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, S89°50'32"E, 317.60 FEET ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 3029077 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID

WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 587.25 FEET ALONG THE WESTERLY RIGHT-OF-WAY
LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTHERLY RIGHT-OF-
WAY LINE OF SAID WELD COUNTY ROAD NO. 16;

THENCE N89°09'38"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY
LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE POINT OF BEGINNING.

AREA = 127.353 ACRES, MORE OR LESS.



401 LOCUST STREET • P.O. BOX 435 • FREDERICK, CO 80530-0435

PHONE: (720) 382-5500 • FAX: (720) 382-5520

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MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
August 4, 2015
6:30 PM

ATTENDANCE: Chairman Don Hard, Commissioner Tracy Moe and Alternate Commissioner Alan Blair were present. Also present were Planning Director Jennifer Simmons and Planner Nick Nelson.

ROLL CALL: Chairman Hard called the regular meeting to order at 6:30 PM. Roll call was taken; Commissioners Jill McNally and Andy Calmelyn were absent.

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

APPROVAL OF MINUTES FROM THE JULY 21, 2015 MEETING: Commissioner Moe made a motion to approve the minutes from the July 21, 2015 meeting as written. Alternate Commissioner Blair seconded the motion. All in favor, motion carried.

CONSIDERATION OF THE BRUNEMEIER ANNEXATION AND ASSIGNMENT OF ZONING: Planner Nick Nelson presented the Staff Report by stating that this a request to annex approximately 127.353 acres generally ½ of a mile north of the Highway 52 curve and adjacent to 6505 CR 17 and 6429 CR 17. The property owner is James Brunemeier. This property is generally north of Weld County Road 14, West of Wheatland Boulevard/Weld County Road 17, and is currently zoned Weld County Agricultural.

Mr. Brunemeier has requested annexation of the two adjacent lots that make up his property. The two lots represent a combined property area of approximately 127.353 acres. The property meets contiguity requirements established by State Statute via its western and southern boundaries of 3,326.39 feet being adjacent to the existing Town boundary represented by The Josephine Roche Annexation to the west and the Johnson Farms/Spindle Hill Energy Annexation to the South. The property's total boundary is 12,254.22 feet in length, 27.1% of which is contiguous with existing Town boundary. Therefore, the required minimum of at least 1/6 contiguity (16.7%) is surpassed.

There are several review criteria for the annexation which have all been met by the applicant.

Staff recommends that the Planning Commission adopt PCR-2015-08A recommending that the Board of Trustees approve this annexation and request for zoning.

There were a few questions from the Commission regarding drainage and irrigation, water rights and the ditch. It was confirmed that all documents for inclusion/exclusion have been submitted.

Built on What Matters.

4 August 2015

Page 2 of 2

Commissioner Moe made a motion to recommend approval of PCR-2015-08A, "A Resolution of the Planning Commission Recommending Approval of the Brunemeier Annexation and Assignment of Zoning". Alternate Commissioner Blair seconded the motion. All in favor, motion carried.

OTHER BUSINESS: Planner Simmons told the Commissioners that there is not a Planning Commission scheduled at this time, however there are a couple of applications that could be ready by mid-September or early October.

With no further business, the meeting was adjourned at 6:45 PM.

Don Hard, Planning Commission Chairman

Kathy Larson, Secretary

**A Resolution of the Planning Commission Recommending
Approval of the Brunemeier Annexation and Assignment of Zoning**

Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

Section 1. The Frederick Planning Commission finds that:

1.1 An application for the Brunemeier Annexation and Assignment of Zoning, R-1 with a PUD overlay, were submitted.

1.2 Said applications were found to be complete through the review process.

1.3 Said applications were considered during a public meeting opened August 4, 2015.

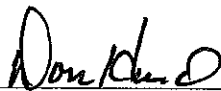
1.4 Proper notice was given according to Section 4.5.6 of the Frederick Land Use Code,

1.5 Said application conforms with the applicable requirements of Section 4.6, Section 4.7 and Article 13 of the Frederick Land Use Code.

Section 2. This resolution constitutes the written report, findings and decision of the Town of Frederick Planning Commission.

Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends approval of the application.

This resolution approved this 4th day of August, 2015 by a vote of 3 to 0.



Don Hard, Chair, Planning Commission

**TOWN OF FREDERICK, STATE OF COLORADO
RESOLUTION NO. 15R52**

**A RESOLUTION REGARDING THE BRUNEMEIER ANNEXATION
HEARING ADOPTING CERTAIN FINDINGS OF FACT AND
CONCLUSIONS FAVORABLE TO THE ANNEXATION.**

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, held a public hearing on August 25th, 2015 pursuant to the published notice, on the petition of Brunemeier Annexation, for the annexation of real property more particularly described in Exhibit A attached hereto.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Findings of Fact.

- a. The applicant's petition is in substantial compliance with subsection (1) of § 31 - 12 -107, C.R.S. It contains the required allegations, the dated signatures of 100% of the landowners of the property requested to be annexed, the required affidavit of circulation, the required legal description of the area to be annexed, and the required annexation boundary map. As a petition of the owners of 100% of the property to be annexed, it is eligible for annexation by ordinance as provided by C.R.S. § 31 -12 -107 (1) (g). This finding was made and duly adopted by the Frederick Board of Trustees July 13, 2015.
- b. With respect to compliance with C.R.S. § 31 -12 -104, the Board of Trustees makes the following findings of fact:
 1. Not less than one -sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.
 2. A community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality. The fact that the area proposed to be annexed has the required 1/6 contiguity with the annexing municipality shall be a basis for a finding of compliance with these requirements.
 3. Because the petition was signed by 100% of the owners of the property to be annexed, the standard contained in C.R.S. § 31 -12 -104 (1) (b) (I) does not invoke the exception contained in C.R.S. § 31 -12 -104 (1) (b).

4. Because the petition was signed by 100% of the owners of the property to be annexed, the standard contained in C.R.S. § 31 -12 -104 (1) (b) (II) does not invoke the exception contained in C.R.S. § 31 -12 -104 (1) (b).
 5. Because municipal utilities are not requested and the Town has the ability to provide all other municipal services to the area to be annexed on the same terms and conditions as such services are made available to all of its citizens, the standard contained in C.R.S. § 31 -12 -104 (1) (b) (III) does not invoke the exception contained in C.R.S. § 31 -12 -104 (1) (b).
- c. With respect to compliance with C.R.S. § 31 -12 -105, the Board of Trustees makes the following findings of fact:
1. No land held in identical ownership has been divided into separate parts or parcels without the written consent of the landowners thereof.
 2. No land held identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of two hundred thousand dollars for ad valorem tax purposes for the year next preceding the annexation) is included in the proposed annexation without the written consent of the landowners.
 3. No land is proposed to be annexed for which annexation proceedings have been commenced for the annexation of part or all of such territory to another municipality.
 4. The proposed annexation will not result in the detachment of the area from any school district and the attachment of the same to another school district.
 5. The proposed annexation will not have the effect of extending a municipality boundary more than three miles in any direction from any point of such municipal boundary in any one year.
 6. The proposed annexation is in conformance with the "Three Mile Annexation Plan" duly adopted by the Planning Commission of the Town of Frederick on October 3, 1996. The "Three Mile Annexation Plan" as adopted shall be amended to the extent necessary to incorporate the above described property and to update said Plan thereby.
 7. The proposed annexation will not result in the annexation of a portion of a platted street without the annexation of the entire width of the street.

8. The municipality will not deny reasonable access to landowners, owner of an easement, or the owner of a franchise adjoining a platted street or alley which has been annexed by the municipality but is not bounded on both sides by the municipality.

Section 2. Conclusions and Order Annexing the Brunemeier Annexation

- a. That the proposed Annexation to the Town of Frederick, Weld County, Colorado complies with the applicable sections of the Municipal Annexation Act of 1965.
- b. That the most appropriate zoning for the property shall be R1- Residential Low Density with a PUD overlay.
- C. That a detailed Annexation Agreement shall be prepared and signed before the annexation process is completed.

INTRODUCED, READ, PASSED AND ADOPTED THIS 25TH DAY OF AUGUST, 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

Tony Carey, Mayor

EXHIBIT A

BRUNEMEIER ANNEXATION PROPERTY LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 32 AND IN THE NW1/4 OF SECTION 33, T2N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32, FROM WHICH THE E1/4 CORNER OF SAID SECTION 32 BEARS S00°01'32"E, 2637.64 FEET (BASIS OF BEARING), THENCE S00°01'32"E, 30.00 FEET ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 16 AND THE POINT OF BEGINNING;

THENCE N89°22'21"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE EASTERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 17;

THENCE S00°01'32"E, 2607.64 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33;

THENCE S89°22'20"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33 TO THE E1/4 CORNER OF SECTION 32;

THENCE S89°23'14"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 650.11 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO CENTRAL WELD COUNTY WATER DISTRICT AS DESCRIBED IN QUIT CLAIM DEED RECORDED MARCH 25, 1996, AS RECEPTION NO. 2482459 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'23"W, 299.74 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°02'07"W, 200.09 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO TOWN OF FREDERICK AS DESCRIBED IN WARRANTY DEED RECORDED SEPTEMBER 12, 1978, AS RECEPTION NO. 1766292 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'11"W, 0.05 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'32"E, 150.00 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE SOUTHWEST CORNER THEREOF, ALSO BEING A POINT ALONG THE NORTHERLY LINE OF LOT "A" OF CORRECTED RECORDED EXEMPTION 1311-32-1-RE1674, A RECORDED EXEMPTION IN THE COUNTY OF WELD, STATE OF COLORADO, RECORDED DECEMBER 17, 1996, AS RECEPTION NO. 2525399 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'14"W, 5.63 FEET ALONG THE NORTHERLY LINE OF SAID LOT "A", TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'44"E, 300.03 FEET ALONG THE WESTERLY LINE OF SAID LOT "A" TO THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32;

THENCE S89°23'14"W, 2284.14 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE C1/4 CORNER OF SAID SECTION 32;

THENCE N00°09'44"E, 282.45 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE EASTERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 285 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N42°20'05"E, 169.58 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 137.26 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 52°25'51", AND BEING SUBTENDED BY A CHORD THAT BEARS N16°07'09"E, 132.52 FEET;

THENCE N10°05'46"W, 92.94 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 172.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1150.00 FEET, A CENTRAL ANGLE OF 08°34'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N14°23'11"W, 172.06 FEET;

THENCE N18°40'35"W, 95.60 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 51.20 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 13°38'36", AND BEING SUBTENDED BY A CHORD THAT BEARS N11°51'17"W, 51.08 FEET;

THENCE N05°01'59"W, 50.89 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 58.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 12°42'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N01°19'26"E, 58.68 FEET;

THENCE N07°40'50"E, 42.38 FEET;

THENCE N10°20'27"E, 46.05 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 107.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 38°31'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N08°55'28"W, 105.58 FEET;

THENCE N28°11'23"W, 37.40 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, 70.31 FEET ALONG THE ARC OF SAID CURVE TO THE WEST LINE OF THE NE1/4 OF SAID SECTION 32, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 15°12'08", AND BEING SUBTENDED BY A CHORD THAT BEARS N20°35'19"W, 70.11 FEET;

THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, N00°09'44"E, 699.80 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 286 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N33°30'13"E, 111.68 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 28.14 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE RIGHT, SAID ARC HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 07°40'40", AND BEING SUBTENDED BY A CHORD THAT BEARS N29°39'53"E, 28.12 FEET;

THENCE NORTHEASTERLY, 83.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 155.00 FEET, A CENTRAL ANGLE OF 30°54'08", AND BEING SUBTENDED BY A CHORD THAT BEARS N41°16'37"E, 82.59 FEET;

THENCE N56°43'41"E, 149.62 FEET;

THENCE N47°19'25"E, 153.65 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHEASTERLY, 87.72 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 50°15'35", AND BEING SUBTENDED BY A CHORD THAT BEARS N72°27'13"E, 84.93 FEET;

THENCE S82°25'00"E, 175.20 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 134.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 245.70 FEET, A CENTRAL ANGLE OF 31°26'04", AND BEING SUBTENDED BY A CHORD THAT BEARS N81°51'58"E, 133.12 FEET;

THENCE N66°08'56"E, 59.29 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE EASTERLY, 239.90 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 197.22 FEET, A CENTRAL ANGLE OF 69°41'37", AND BEING SUBTENDED BY A CHORD THAT BEARS S79°00'15"E, 225.38 FEET;

THENCE S44°09'27"E, 81.12 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE SOUTHEASTERLY, 162.23 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 254.00 FEET, A CENTRAL ANGLE OF 36°35'39", AND BEING SUBTENDED BY A CHORD THAT BEARS S62°27'16"E, 159.48 FEET;

THENCE S80°45'06"E, 235.24 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, 64.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE LEFT, SAID ARC HAVING A RADIUS OF 52.00 FEET, A CENTRAL ANGLE OF 70°45'30", AND BEING SUBTENDED BY A CHORD THAT BEARS S45°22'21"E, 60.21 FEET;

THENCE SOUTHEASTERLY, 187.88 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 58°11'14", AND BEING SUBTENDED BY A CHORD THAT BEARS S39°05'13"E, 179.91 FEET;

THENCE S68°10'50"E, 78.57 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 110.10 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 258.00 FEET, A CENTRAL ANGLE OF 24°27'01", AND BEING SUBTENDED BY A CHORD THAT BEARS S80°24'21"E, 109.26 FEET;

THENCE N87°22'09"E, 132.92 FEET;

THENCE S88°15'31"E, 109.26 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 201.75 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 22°26'42", AND BEING SUBTENDED BY A CHORD THAT BEARS N80°31'08"E, 200.46 FEET;

THENCE N69°17'47"E, 30.57 FEET TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JANUARY 31, 2003, AS RECEPTION NO. 3029077 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, S89°50'32"E, 317.60 FEET ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 3029077 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 587.25 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16;

THENCE N89°09'38"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE POINT OF BEGINNING.

AREA = 127.353 ACRES, MORE OR LESS.

**TOWN OF FREDERICK, STATE OF COLORADO
ORDINANCE NO. 1200**

**AN ORDINANCE ANNEXING A PARCEL OF PRIVATE PROPERTY
UPON THE PETITION OF THE OWNER THEREOF, TO BE KNOWN AS
BRUNEMEIER ANNEXATION, TO THE TOWN OF FREDERICK,
COLORADO.**

WHEREAS, a petition for annexation and application for R1-Residential Low Density with a PUD overlay zoning designation has been filed by James Brunemeier, 2526 County Road 10, Erie, CO 80516, for the annexation to the Town real property as further described in Exhibit A.

WHEREAS, the above described property consists of private property under single ownership; and

WHEREAS, a public meeting was held on said Petition before the Frederick Planning Commission on August 4, 2015; and

WHEREAS, a public hearing was held on said Petition before the Board of Trustees pursuant to statute on August 25th, 2015 ; and

WHEREAS, the Board of Trustees adopted Resolution No. 15 R 37 and determined that the applicable parts of Colo. Rev. Stat. §31-12-104 and 105 have been met; and

WHEREAS, it is the opinion of the Board of Trustees that it is desirable and necessary that the described real property be annexed to the Town of Frederick, Colorado; and

WHEREAS, zoning of the property was requested in the petition for annexation as allowed by C.R.S. 31-12-115, said zoning to be accomplished by separate ordinance to become effective following final reading and adoption of this annexation ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, WELD COUNTY, COLORADO, THAT;

Section 1. The above described property is hereby annexed to and included within the town limits of the Town of Frederick.

Section 2. Three-mile Annexation Plan. *The Comprehensive Plan, Frederick, Colorado* published by the Town of Frederick Planning and Zoning Commission on April 20, 2006, along with accompanying maps, plats, charts and descriptive material, has been adopted as the master plan for the three-mile area surrounding the Town of Frederick as required by C.R.S. 31-12-105 (1)(e). The "Three Mile Annexation Plan" as adopted is hereby amended to the extent necessary to incorporate the above described property and to update said Plan thereby.

Section 3. The Mayor and Town Clerk are authorized and directed to complete all the necessary procedures required for annexation of said property to the Town including filing the required certified copies of the annexation and zoning ordinance and a map of the area to be annexed containing a legal description of such area with the Weld County Clerk and Recorder.

Section 4. The signatures on the annexation map and this ordinance and the recording of the same shall be withheld until an annexation agreement is completed and accepted by the Town.

Section 5. Zoning of the Property. The property shall be zoned R-1 Residential with a PUD overlay and as requested in the petition for annexation. Said zoning shall be accomplished by separate ordinance whose effective date shall be not sooner than the effective date of this annexation ordinance.

Section 6. Effective Date. This ordinance shall become effective thirty (30) days after publication, or upon the affixation of signatures on the annexation map and this annexation ordinance and the recording of the same, whichever occurs later.

Section 7. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 8. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED
PUBLISHED THIS 25TH DAY OF AUGUST 2015.**

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

Tony Carey, Mayor

EXHIBIT A

BRUNEMEIER ANNEXATION PROPERTY LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 32 AND IN THE NW1/4 OF SECTION 33, T2N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32, FROM WHICH THE E1/4 CORNER OF SAID SECTION 32 BEARS S00°01'32"E, 2637.64 FEET (BASIS OF BEARING), THENCE S00°01'32"E, 30.00 FEET ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 16 AND THE POINT OF BEGINNING;

THENCE N89°22'21"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE EASTERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 17;

THENCE S00°01'32"E, 2607.64 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33;

THENCE S89°22'20"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33 TO THE E1/4 CORNER OF SECTION 32;

THENCE S89°23'14"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 650.11 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO CENTRAL WELD COUNTY WATER DISTRICT AS DESCRIBED IN QUIT CLAIM DEED RECORDED MARCH 25, 1996, AS RECEPTION NO. 2482459 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'23"W, 299.74 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°02'07"W, 200.09 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO TOWN OF FREDERICK AS DESCRIBED IN WARRANTY DEED RECORDED SEPTEMBER 12, 1978, AS RECEPTION NO. 1766292 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'11"W, 0.05 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'32"E, 150.00 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE SOUTHWEST CORNER THEREOF, ALSO BEING A POINT ALONG THE NORTHERLY LINE OF LOT "A" OF CORRECTED RECORDED EXEMPTION 1311-32-1-RE1674, A RECORDED EXEMPTION IN THE COUNTY OF WELD, STATE OF COLORADO, RECORDED DECEMBER 17, 1996, AS RECEPTION NO. 2525399 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'14"W, 5.63 FEET ALONG THE NORTHERLY LINE OF SAID LOT "A", TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'44"E, 300.03 FEET ALONG THE WESTERLY LINE OF SAID LOT "A" TO THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32;

THENCE S89°23'14"W, 2284.14 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE C1/4 CORNER OF SAID SECTION 32;

THENCE N00°09'44"E, 282.45 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE EASTERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 285 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N42°20'05"E, 169.58 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 137.26 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 52°25'51", AND BEING SUBTENDED BY A CHORD THAT BEARS N16°07'09"E, 132.52 FEET;

THENCE N10°05'46"W, 92.94 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 172.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1150.00 FEET, A CENTRAL ANGLE OF 08°34'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N14°23'11"W, 172.06 FEET;

THENCE N18°40'35"W, 95.60 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 51.20 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 13°38'36", AND BEING SUBTENDED BY A CHORD THAT BEARS N11°51'17"W, 51.08 FEET;

THENCE N05°01'59"W, 50.89 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 58.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 12°42'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N01°19'26"E, 58.68 FEET;

THENCE N07°40'50"E, 42.38 FEET;

THENCE N10°20'27"E, 46.05 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 107.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 38°31'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N08°55'28"W, 105.58 FEET;

THENCE N28°11'23"W, 37.40 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, 70.31 FEET ALONG THE ARC OF SAID CURVE TO THE WEST LINE OF THE NE1/4 OF SAID SECTION 32, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 15°12'08", AND BEING SUBTENDED BY A CHORD THAT BEARS N20°35'19"W, 70.11 FEET;

THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, N00°09'44"E, 699.80 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 286 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N33°30'13"E, 111.68 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 28.14 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE RIGHT, SAID ARC HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 07°40'40", AND BEING SUBTENDED BY A CHORD THAT BEARS N29°39'53"E, 28.12 FEET;

THENCE NORTHEASTERLY, 83.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 155.00 FEET, A CENTRAL ANGLE OF 30°54'08", AND BEING SUBTENDED BY A CHORD THAT BEARS N41°16'37"E, 82.59 FEET;

THENCE N56°43'41"E, 149.62 FEET;

THENCE N47°19'25"E, 153.65 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHEASTERLY, 87.72 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 50°15'35", AND BEING SUBTENDED BY A CHORD THAT BEARS N72°27'13"E, 84.93 FEET;

THENCE S82°25'00"E, 175.20 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 134.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 245.70 FEET, A CENTRAL ANGLE OF 31°26'04", AND BEING SUBTENDED BY A CHORD THAT BEARS N81°51'58"E, 133.12 FEET;

THENCE N66°08'56"E, 59.29 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE EASTERLY, 239.90 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 197.22 FEET, A CENTRAL ANGLE OF 69°41'37", AND BEING SUBTENDED BY A CHORD THAT BEARS S79°00'15"E, 225.38 FEET;

THENCE S44°09'27"E, 81.12 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE SOUTHEASTERLY, 162.23 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 254.00 FEET, A CENTRAL ANGLE OF 36°35'39", AND BEING SUBTENDED BY A CHORD THAT BEARS S62°27'16"E, 159.48 FEET;

THENCE S80°45'06"E, 235.24 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, 64.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE LEFT, SAID ARC HAVING A RADIUS OF 52.00 FEET, A CENTRAL ANGLE OF 70°45'30", AND BEING SUBTENDED BY A CHORD THAT BEARS S45°22'21"E, 60.21 FEET;

THENCE SOUTHEASTERLY, 187.88 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 58°11'14", AND BEING SUBTENDED BY A CHORD THAT BEARS S39°05'13"E, 179.91 FEET;

THENCE S68°10'50"E, 78.57 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 110.10 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 258.00 FEET, A CENTRAL ANGLE OF 24°27'01", AND BEING SUBTENDED BY A CHORD THAT BEARS S80°24'21"E, 109.26 FEET;

THENCE N87°22'09"E, 132.92 FEET;

THENCE S88°15'31"E, 109.26 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 201.75 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 22°26'42", AND BEING SUBTENDED BY A CHORD THAT BEARS N80°31'08"E, 200.46 FEET;

THENCE N69°17'47"E, 30.57 FEET TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JANUARY 31, 2003, AS RECEPTION NO. 3029077 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, S89°50'32"E, 317.60 FEET ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 3029077 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 587.25 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16;

THENCE N89°09'38"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE POINT OF BEGINNING.

AREA = 127.353 ACRES, MORE OR LESS.

**TOWN OF FREDERICK, STATE OF COLORADO
RESOLUTION NO. 15R53**

**A RESOLUTION REGARDING THE REVIEW OF THE REQUEST FOR
AMENDMENT TO THE OFFICIAL ZONING MAP OF THE TOWN OF
FREDERICK FOR BRUNEMEIER ANNEXATION.**

WHEREAS, James Brunemeier, 2526 County Road 10, Erie, CO 80516, has requested a zoning amendment to the Official Zoning Map of the Town of Frederick from the current Weld County Agricultural zoning district to Town of Frederick R1 Residential Low Density with a PUD overlay, for Brunemeier Annexation more particularly described in Exhibit A attached hereto.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Findings of Fact. The following findings are made by the Board of Trustees of the Town of Frederick, after due consideration of the testimony given and presentations made during the public hearing conducted by the Board on August 25th, 2015.

- a. The applicant's application and supporting documents are in substantial compliance with Section 3.2.3 Changes to Map /Amendments and Section 4.7.2.d Review Criteria, of the Frederick Land Use Code.
- b. The amendment will rezone an area or extend the boundary of an existing district because of a manifest error in an ordinance establishing the zoning for a specific property;
- C. The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Frederick Comprehensive Plan;
- d. The proposed rezoning is necessary to provide land for a community - related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Frederick Comprehensive Plan;
- e. The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; and
- f. The amendment to the Official Zoning Map of the Town of Frederick as proposed preserves the health, safety, welfare and interest of the citizens of the Town of Frederick, Colorado.

Section 2. Conclusions and Order Approving an Amendment to the Official Zoning Map of the Town of Frederick for Brunemeier Annexation Property.

- a. The proposed amendment of the Official Zoning Map complies with section 3.3.3 and section 4.7.2.d of the Frederick Land Use Code.
- b. The proposed amendment of the Official Zoning Map for the subject property is granted approval.

INTRODUCED, READ, PASSED, AND SIGNED THIS 25TH DAY OF AUGUST, 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

Tony Carey, Mayor

EXHIBIT A

BRUNEMEIER ANNEXATION ZONING DISTRICT LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 32 AND IN THE NW1/4 OF SECTION 33, T2N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32, FROM WHICH THE E1/4 CORNER OF SAID SECTION 32 BEARS S00°01'32"E, 2637.64 FEET (BASIS OF BEARING), THENCE S00°01'32"E, 30.00 FEET ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 16 AND THE POINT OF BEGINNING;

THENCE N89°22'21"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE EASTERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 17;

THENCE S00°01'32"E, 2607.64 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33;

THENCE S89°22'20"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33 TO THE E1/4 CORNER OF SECTION 32;

THENCE S89°23'14"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 650.11 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO CENTRAL WELD COUNTY WATER DISTRICT AS DESCRIBED IN QUIT CLAIM DEED RECORDED MARCH 25, 1996, AS RECEPTION NO. 2482459 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'23"W, 299.74 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°02'07"W, 200.09 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO TOWN OF FREDERICK AS DESCRIBED IN WARRANTY DEED RECORDED SEPTEMBER 12, 1978, AS RECEPTION NO. 1766292 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'11"W, 0.05 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'32"E, 150.00 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE SOUTHWEST CORNER THEREOF, ALSO BEING A POINT ALONG THE NORTHERLY LINE OF LOT "A" OF CORRECTED RECORDED EXEMPTION 1311-32-1-RE1674, A

RECORDED EXEMPTION IN THE COUNTY OF WELD, STATE OF COLORADO, RECORDED DECEMBER 17, 1996, AS RECEPTION NO. 2525399 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'14"W, 5.63 FEET ALONG THE NORTHERLY LINE OF SAID LOT "A", TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'44"E, 300.03 FEET ALONG THE WESTERLY LINE OF SAID LOT "A" TO THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32;

THENCE S89°23'14"W, 2284.14 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE C1/4 CORNER OF SAID SECTION 32;

THENCE N00°09'44"E, 282.45 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE EASTERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 285 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N42°20'05"E, 169.58 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 137.26 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 52°25'51", AND BEING SUBTENDED BY A CHORD THAT BEARS N16°07'09"E, 132.52 FEET;

THENCE N10°05'46"W, 92.94 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 172.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1150.00 FEET, A CENTRAL ANGLE OF 08°34'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N14°23'11"W, 172.06 FEET;

THENCE N18°40'35"W, 95.60 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 51.20 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 13°38'36", AND BEING SUBTENDED BY A CHORD THAT BEARS N11°51'17"W, 51.08 FEET;

THENCE N05°01'59"W, 50.89 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 58.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 12°42'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N01°19'26"E, 58.68 FEET;

THENCE N07°40'50"E, 42.38 FEET;

THENCE N10°20'27"E, 46.05 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 107.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 38°31'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N08°55'28"W, 105.58 FEET;

THENCE N28°11'23"W, 37.40 FEET TO A POINT OF CURVE TO THE RIGHT;

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THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, N00°09'44"E, 699.80 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 286 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N33°30'13"E, 111.68 FEET TO A POINT OF CURVE TO THE LEFT;

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THENCE N56°43'41"E, 149.62 FEET;

THENCE N47°19'25"E, 153.65 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHEASTERLY, 87.72 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 50°15'35", AND BEING SUBTENDED BY A CHORD THAT BEARS N72°27'13"E, 84.93 FEET;

THENCE S82°25'00"E, 175.20 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 134.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 245.70 FEET, A CENTRAL ANGLE OF 31°26'04", AND BEING SUBTENDED BY A CHORD THAT BEARS N81°51'58"E, 133.12 FEET;

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THENCE S44°09'27"E, 81.12 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE SOUTHEASTERLY, 162.23 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 254.00 FEET, A CENTRAL ANGLE OF 36°35'39", AND BEING SUBTENDED BY A CHORD THAT BEARS S62°27'16"E, 159.48 FEET;

THENCE S80°45'06"E, 235.24 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, 64.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE LEFT, SAID ARC HAVING A RADIUS OF 52.00 FEET, A CENTRAL ANGLE OF 70°45'30", AND BEING SUBTENDED BY A CHORD THAT BEARS S45°22'21"E, 60.21 FEET;

THENCE SOUTHEASTERLY, 187.88 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 58°11'14", AND BEING SUBTENDED BY A CHORD THAT BEARS S39°05'13"E, 179.91 FEET;

THENCE S68°10'50"E, 78.57 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 110.10 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 258.00 FEET, A CENTRAL ANGLE OF 24°27'01", AND BEING SUBTENDED BY A CHORD THAT BEARS S80°24'21"E, 109.26 FEET;

THENCE N87°22'09"E, 132.92 FEET;

THENCE S88°15'31"E, 109.26 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 201.75 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 22°26'42", AND BEING SUBTENDED BY A CHORD THAT BEARS N80°31'08"E, 200.46 FEET;

THENCE N69°17'47"E, 30.57 FEET TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JANUARY 31, 2003, AS RECEPTION NO. 3029077 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, S89°50'32"E, 317.60 FEET ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 3029077 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 587.25 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16;

THENCE N89°09'38"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE POINT OF BEGINNING.

AREA = 127.353 ACRES, MORE OR LESS.

**TOWN OF FREDERICK, STATE OF COLORADO
ORDINANCE NO. 1201**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF
FREDERICK FOR BRUNEMEIER ANNEXATION.**

WHEREAS, a request for an amendment to be Official Zoning Map of the Town of Frederick has been filed by James Brunemeir, 2526 County Road 10, Erie, CO 80516, for the designation of R-1 Residential Low Density with a PUD overlay of real property as further described in Exhibit A.

WHEREAS, the zoning of land while annexation is under way is authorized by § 31-12-115, C.R.S. and governed by the *Frederick Land Use Code*; and

WHEREAS, a public hearing was held on said request on August 25th, 2015; and

WHEREAS, by Resolution No. XX, the Board of Trustees has made certain findings favorable to the request of an Official Zoning Map amendment; and

WHEREAS, it is the opinion of the Board of Trustees that it is desirable and necessary that the designated land use for the described real property be R1 Residential Low density with a PUD overlay for uses in accordance with Section 3.10, of the *Frederick Land Use Code*.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF FREDERICK, WELD COUNTY, COLORADO, THAT;**

Section 1. The land use for the above described property is hereby designated R1 Residential Low Density with a PUD overlay. All activities conducted on the site shall be in conformance with the *Frederick Land Use Code*, as though the same were set forth in full.

Section 2. The official Zoning District Map entitled Zoning District Map, Town of Frederick as adopted by Section 3.2 of the *Frederick Land Use Code*, and as subsequently amended, shall be amended by the designation of the above described property as R1 Residential Low Density with a PUD overlay.

Section 3. The Town shall provide for an amendment to the existing Official Zoning Map as provided by Section 3.10 of the *Frederick Land Use Code*.

Section 4. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 5. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 6. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED
PUBLISHED THIS 25TH DAY OF AUGUST 2015.**

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

Tony Carey, Mayor

EXHIBIT A

BRUNEMEIR ANNEXATION PROPERTY LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 32 AND IN THE NW1/4 OF SECTION 33, T2N, R67W OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32, FROM WHICH THE E1/4 CORNER OF SAID SECTION 32 BEARS S00°01'32"E, 2637.64 FEET (BASIS OF BEARING), THENCE S00°01'32"E, 30.00 FEET ALONG THE EAST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 16 AND THE POINT OF BEGINNING;

THENCE N89°22'21"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE EASTERLY RIGHT-OF-WAY LINE OF WELD COUNTY ROAD NO. 17;

THENCE S00°01'32"E, 2607.64 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33;

THENCE S89°22'20"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NW1/4 OF SAID SECTION 33 TO THE E1/4 CORNER OF SECTION 32;

THENCE S89°23'14"W, 30.00 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 650.11 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO CENTRAL WELD COUNTY WATER DISTRICT AS DESCRIBED IN QUIT CLAIM DEED RECORDED MARCH 25, 1996, AS RECEPTION NO. 2482459 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'23"W, 299.74 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°02'07"W, 200.09 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 2482459 TO THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO TOWN OF FREDERICK AS DESCRIBED IN WARRANTY DEED RECORDED SEPTEMBER 12, 1978, AS RECEPTION NO. 1766292 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'11"W, 0.05 FEET ALONG THE NORTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'32"E, 150.00 FEET ALONG THE WESTERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 1766292 TO THE SOUTHWEST CORNER THEREOF, ALSO BEING A POINT ALONG THE NORTHERLY LINE OF LOT "A" OF CORRECTED RECORDED EXEMPTION 1311-32-1-RE1674, A RECORDED EXEMPTION IN THE COUNTY OF WELD, STATE OF COLORADO, RECORDED DECEMBER 17, 1996, AS RECEPTION NO. 2525399 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE S89°23'14"W, 5.63 FEET ALONG THE NORTHERLY LINE OF SAID LOT "A", TO THE NORTHWEST CORNER THEREOF;

THENCE S00°01'44"E, 300.03 FEET ALONG THE WESTERLY LINE OF SAID LOT "A" TO THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32;

THENCE S89°23'14"W, 2284.14 FEET ALONG THE SOUTH LINE OF THE NE1/4 OF SAID SECTION 32 TO THE C1/4 CORNER OF SAID SECTION 32;

THENCE N00°09'44"E, 282.45 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE EASTERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 285 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N42°20'05"E, 169.58 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 137.26 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 150.00 FEET, A CENTRAL ANGLE OF 52°25'51", AND BEING SUBTENDED BY A CHORD THAT BEARS N16°07'09"E, 132.52 FEET;

THENCE N10°05'46"W, 92.94 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 172.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 1150.00 FEET, A CENTRAL ANGLE OF 08°34'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N14°23'11"W, 172.06 FEET;

THENCE N18°40'35"W, 95.60 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 51.20 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 13°38'36", AND BEING SUBTENDED BY A CHORD THAT BEARS N11°51'17"W, 51.08 FEET;

THENCE N05°01'59"W, 50.89 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHERLY, 58.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 12°42'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N01°19'26"E, 58.68 FEET;

THENCE N07°40'50"E, 42.38 FEET;

THENCE N10°20'27"E, 46.05 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHERLY, 107.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 160.00 FEET, A CENTRAL ANGLE OF 38°31'49", AND BEING SUBTENDED BY A CHORD THAT BEARS N08°55'28"W, 105.58 FEET;

THENCE N28°11'23"W, 37.40 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHWESTERLY, 70.31 FEET ALONG THE ARC OF SAID CURVE TO THE WEST LINE OF THE NE1/4 OF SAID SECTION 32, SAID ARC HAVING A RADIUS OF 265.00 FEET, A CENTRAL ANGLE OF 15°12'08", AND BEING SUBTENDED BY A CHORD THAT BEARS N20°35'19"W, 70.11 FEET;

THENCE LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, N00°09'44"E, 699.80 FEET ALONG THE WEST LINE OF THE NE1/4 OF SAID SECTION 32 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE BULL CANAL OF THE STANLEY DITCH CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN WARRANTY DEED RECORDED JANUARY 5, 1910, IN BOOK 314 AT PAGE 286 OF THE RECORDS OF WELD COUNTY, COLORADO;

THE FOLLOWING COURSES AND DISTANCE ARE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH:

THENCE N33°30'13"E, 111.68 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE NORTHEASTERLY, 28.14 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE RIGHT, SAID ARC HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 07°40'40", AND BEING SUBTENDED BY A CHORD THAT BEARS N29°39'53"E, 28.12 FEET;

THENCE NORTHEASTERLY, 83.60 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 155.00 FEET, A CENTRAL ANGLE OF 30°54'08", AND BEING SUBTENDED BY A CHORD THAT BEARS N41°16'37"E, 82.59 FEET;

THENCE N56°43'41"E, 149.62 FEET;

THENCE N47°19'25"E, 153.65 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE NORTHEASTERLY, 87.72 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 50°15'35", AND BEING SUBTENDED BY A CHORD THAT BEARS N72°27'13"E, 84.93 FEET;

THENCE S82°25'00"E, 175.20 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 134.80 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 245.70 FEET, A CENTRAL ANGLE OF 31°26'04", AND BEING SUBTENDED BY A CHORD THAT BEARS N81°51'58"E, 133.12 FEET;

THENCE N66°08'56"E, 59.29 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE EASTERLY, 239.90 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 197.22 FEET, A CENTRAL ANGLE OF 69°41'37", AND BEING SUBTENDED BY A CHORD THAT BEARS S79°00'15"E, 225.38 FEET;

THENCE S44°09'27"E, 81.12 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE SOUTHEASTERLY, 162.23 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 254.00 FEET, A CENTRAL ANGLE OF 36°35'39", AND BEING SUBTENDED BY A CHORD THAT BEARS S62°27'16"E, 159.48 FEET;

THENCE S80°45'06"E, 235.24 FEET TO A POINT OF CURVE TO THE RIGHT;

THENCE SOUTHEASTERLY, 64.22 FEET ALONG THE ARC OF SAID CURVE TO A POINT OF REVERSE CURVE TO THE LEFT, SAID ARC HAVING A RADIUS OF 52.00 FEET, A CENTRAL ANGLE OF 70°45'30", AND BEING SUBTENDED BY A CHORD THAT BEARS S45°22'21"E, 60.21 FEET;

THENCE SOUTHEASTERLY, 187.88 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 185.00 FEET, A CENTRAL ANGLE OF 58°11'14", AND BEING SUBTENDED BY A CHORD THAT BEARS S39°05'13"E, 179.91 FEET;

THENCE S68°10'50"E, 78.57 FEET TO A POINT OF CURVE TO THE LEFT;

THENCE EASTERLY, 110.10 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 258.00 FEET, A CENTRAL ANGLE OF 24°27'01", AND BEING SUBTENDED BY A CHORD THAT BEARS S80°24'21"E, 109.26 FEET;

THENCE N87°22'09"E, 132.92 FEET;

THENCE S88°15'31"E, 109.26 FEET TO A POINT OF CURVE TO THE LEFT; THENCE EASTERLY, 201.75 FEET ALONG THE ARC OF SAID CURVE TO A POINT TANGENT, SAID ARC HAVING A RADIUS OF 515.00 FEET, A CENTRAL ANGLE OF 22°26'42", AND BEING SUBTENDED BY A CHORD THAT BEARS N80°31'08"E, 200.46 FEET;

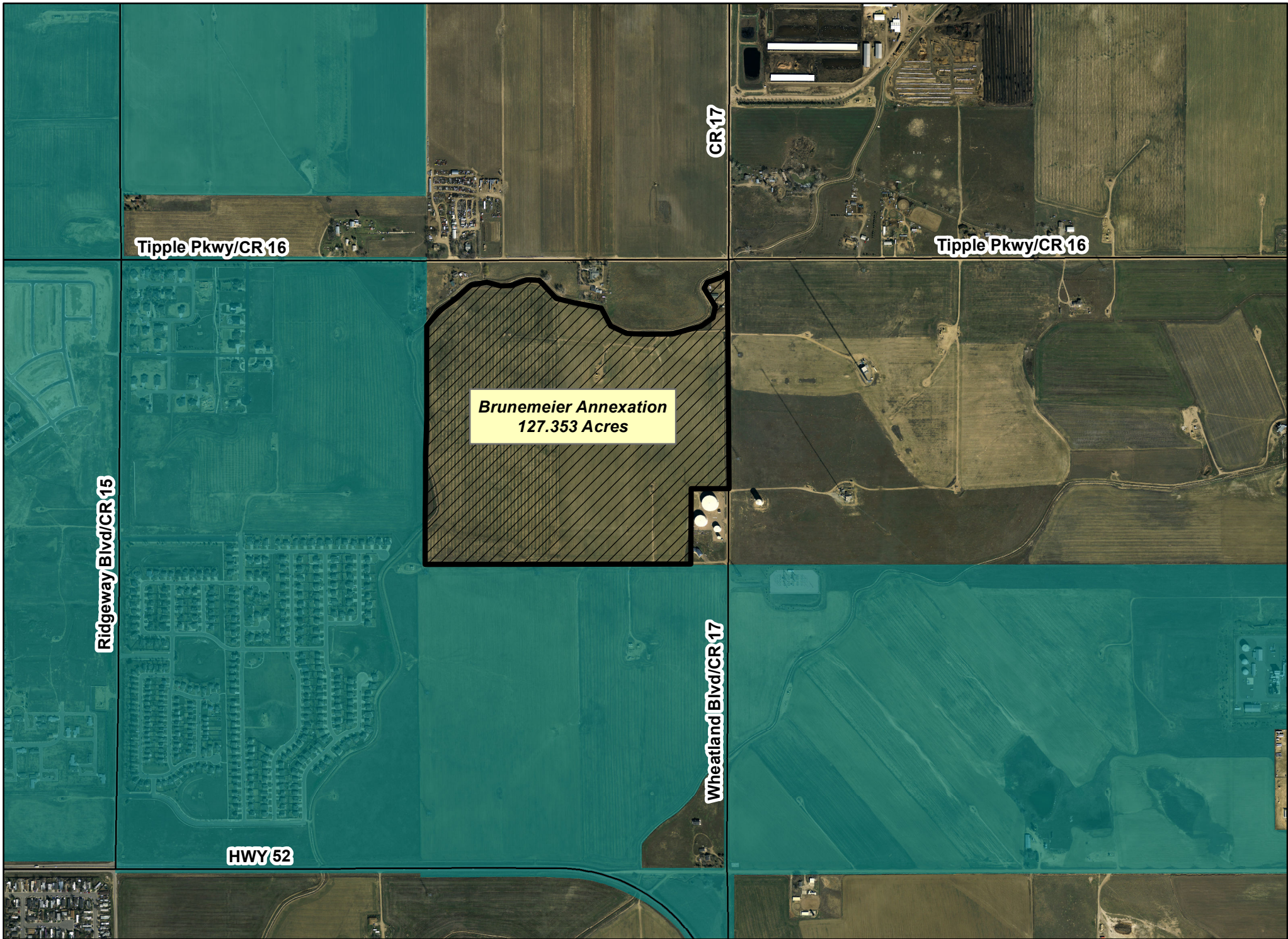
THENCE N69°17'47"E, 30.57 FEET TO THE SOUTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO THE FARMERS RESERVOIR AND IRRIGATION COMPANY AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED JANUARY 31, 2003, AS RECEPTION NO. 3029077 OF THE RECORDS OF WELD COUNTY, COLORADO;

THENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BULL CANAL OF THE STANLEY DITCH, S89°50'32"E, 317.60 FEET ALONG THE SOUTHERLY LINE OF THAT TRACT OF LAND AS DESCRIBED AS SAID RECEPTION NO. 3029077 TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17;

THENCE N00°01'32"W, 587.25 FEET ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 17 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16;

THENCE N89°09'38"E, 30.00 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID WELD COUNTY ROAD NO. 16 TO THE POINT OF BEGINNING.

AREA = 127.353 ACRES, MORE OR LESS.



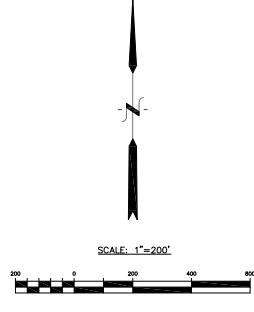
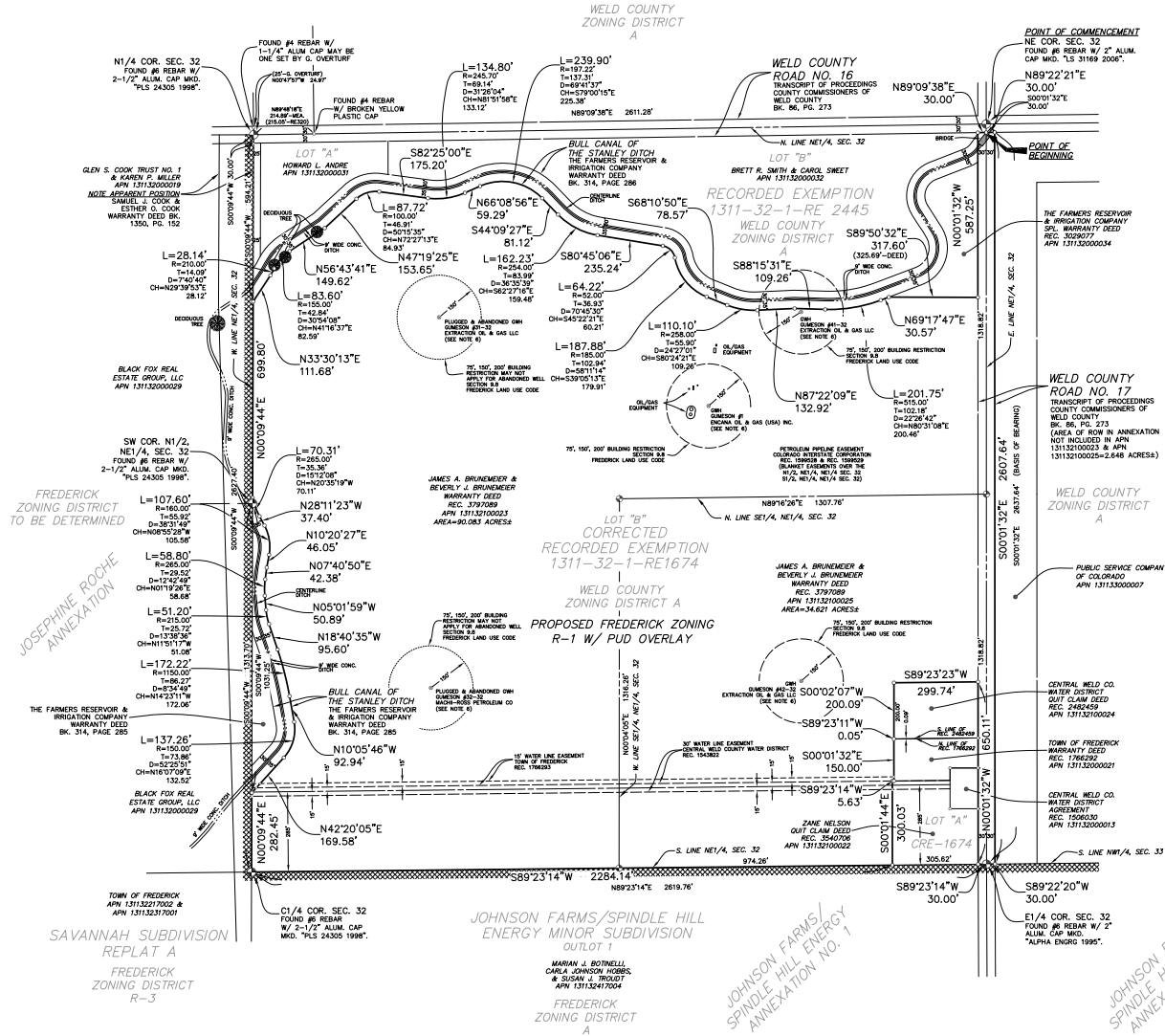
Brunemeier Annexation

ANNEXATION MAP

BRUNEMEIER ANNEXATION

A TRACT OF LAND IN THE
NE1/4 OF SECTION 32 AND THE NW1/4 OF SECTION 33 T2N, R67W OF THE 6TH P.M.,
TOWN OF FREDERICK, COUNTY OF WELD, STATE OF COLORADO.

AREA = 127.353 ACRES, MORE OR LESS.





TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, ENACTING CHAPTER 10, "GENERAL OFFENSES," ARTICLE XV, "MEDICAL MARIJUANA REGULATIONS," OF THE MUNICIPAL CODE OF THE TOWN OF FREDERICK; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Agenda Date: Town Board Meeting - August 19, 2015

Attachments: a. Ordinance No. 1202

Finance Review: _____
Finance Director

Submitted by: Kristin N. Brown, Town Prosecutor

Approved for Presentation: 
Town Manager

☐ Quasi-Judicial

☐ Legislative

☐ Administrative

Summary Statement:

The proposed ordinance establishes local regulations related to the cultivation of medical marijuana.

Detail of Issue/Request:

Any person with a state registry card to possess/consume and cultivate medical marijuana may by law cultivate up to six plants of medical marijuana (unless the physician prescribes more than six plants). A person designated as a primary caregiver may cultivate medical marijuana for up to five patients. Because a patient may have legal authorization to cultivate more than six plants (I've seen authorizations for more than 99 plants for one patient), a primary caregiver could lawfully cultivate several hundred plants. The town is lacking any local regulation related to the cultivation of medical marijuana, which can affect the health, safety and welfare of the residents of the town. The town has authority to enact ordinances related to land use matters, and that protect the health, safety and welfare of the residents of the town.

Built on What Matters.

The proposed ordinance related to medical marijuana limits where a person can cultivate medical marijuana and how many plants can be cultivated in a Residential zoned district and in dwelling units located in the Agricultural, Downtown A and Downtown B zoned districts (since there are some residences in these districts). The ordinance also requires that any person cultivating medical marijuana must comply with all provisions of the Frederick Land Use Code, and all uniform codes adopted and enforced by the town (i.e.: building code, electrical code, etc.).

Legal/Political Considerations:

A lack of local regulation of the cultivation of marijuana may make it difficult to address any large scale marijuana grow in town.

Alternatives/Options:

The Board of Trustees can vote in favor of the proposed ordinance, or not. Without such local regulations related to the cultivation of medical marijuana, addressing the myriad of issues that can arise with a marijuana grow in town will be very difficult.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff recommends that the Board of Trustees adopt the proposed ordinance.

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1202**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO,
ENACTING CHAPTER 10, “GENERAL OFFENSES,” ARTICLE XV,
“MEDICAL MARIJUANA REGULATIONS,” OF THE MUNICIPAL CODE
OF THE TOWN OF FREDERICK; AND, SETTING FORTH DETAILS IN
RELATION THERETO.**

WHEREAS, the Town of Frederick is a statutory municipality created and organized pursuant to Title 31, Colorado Revised Statutes; and

WHEREAS, by virtue of Title 31, Colorado Revised Statutes, including but not limited to §31-15-401 and §31-23-301, the Town of Frederick has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its inhabitants; and

WHEREAS, planning, land use and business regulation are well established as purely matters of local concern; and

WHEREAS, in November 2000, the Colorado voters approved Amendment 20, which was subsequently codified as Section 14 of Article XVIII of the Colorado Constitution (“Article XVIII” or “Amendment 20”); and

WHEREAS, Amendment 20 created a limited exception to state criminal liability under Colorado law for the specific use of medical marijuana by persons in Colorado suffering specified debilitating medical conditions who have been placed on a statewide registry pursuant to receiving acknowledgement from a licensed Colorado physician that those persons may benefit from the medical use of marijuana; and

WHEREAS, Amendment 20 created a limited exception to criminal liability under Colorado law for physicians who advise patients about the risks and benefits of the medical use of marijuana and that they might benefit from the medical use of marijuana, or who provide patients with documentation as to such potential benefit; and

WHEREAS, the Board of Trustees finds that the plain language of Article XVIII extends limited protection to only persons qualified as a “primary caregiver,” a “patient,” and a physician who advises a patient and that no other person is entitled to the protections afforded by Article XVIII; and

WHEREAS, both prior to and subsequent to the adoption of Article XVIII, the use of marijuana for any purpose, including the treatment of debilitating medical conditions, was and remains unlawful under federal law; and

WHEREAS, there is no reference to or evidence contained in Article XVIII to establish that Article XVIII is intended to address or regulate land use, planning, development, or

operations of businesses engaging in the production, distribution, processing or dispensing of medical marijuana; and

WHEREAS, anecdotal evidence known to the Town Board of Trustees from law enforcement, news media, and stories, reports and studies commonly available on the Internet reveal that the high value and easy portability of marijuana makes persons and businesses that cultivate, acquire, possess, store, produce, prepare, manufacture, package, use, sell, administer, dispense, distribute, or transport marijuana likely targets for robbery, burglary, theft, assault, and other related crimes; and

WHEREAS, since the recent proliferation of medical marijuana businesses in the Denver metropolitan area, reports of criminal activities related to the cultivation, dispensing and distribution of marijuana have notably increased; and

WHEREAS, the Board of Trustees finds that cultivation, production, and processing of medical marijuana plants in residential buildings may produce a variety of deleterious effects upon the integrity of residences and the welfare of residential communities, including, but not limited to, potentially unsafe structural alterations or additions to residences; extraordinary demands on and potentially unsafe alterations to residential electrical systems; additions of conduits for water and humidity that can facilitate the growth of dangerous or damaging molds and fungi; increased risk of fire and electrocution due to the proximity of electrical uses and water supplies, potential toxicity of residential air supply due to the use of heating devices, generators, and the addition of carbon monoxide to growing environments; and increased risk of fire due to the presence of hazardous materials such as flammable materials or volatile substances used in the cultivation, production, and processing of medical marijuana plants or derivatives thereof; and

WHEREAS, permitting any person to cultivate, acquire, possess, store, produce, prepare, manufacture, package, use, sell, administer, dispense, distribute, or transport medical marijuana in any form pursuant to Article XVIII without appropriate local regulation could create conflicts with the goals and objectives of the Town's comprehensive land use plan, be inconsistent with residential land uses and other uses, or otherwise be detrimental to the public health, safety and welfare; and

WHEREAS, the Board of Trustees of the Town of Frederick believes it is in the best interest of Frederick to amend the Code as set forth herein, and that such action is necessary for the immediate preservation of the public property, peace, health, safety, and welfare of the Town and for the financial well being of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Chapter 10, “General Offenses,” Article XV, “Medical Marijuana Regulations,” Section 10-301 of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

Sec. 10-301 Legislative Intent and Purpose

(a) Legislative Intent. The Frederick Board of Trustees intends to regulate the use, acquisition, cultivation, production, and distribution of medical marijuana.

(1) The Medical Marijuana Amendment to the Colorado Constitution does not provide a legal manner for patients to obtain medical marijuana unless the patient grows the marijuana or the marijuana is grown by the patient’s primary caregiver. These regulations are intended to apply to all medical marijuana operations in the Town whether by a patient or primary caregiver under the Medical Marijuana Amendment. Medical marijuana cultivation and production can have an impact on health, safety, welfare and community resources and this Article is intended to permit medical marijuana cultivation where it will have a minimal impact.

(2) Use, distribution, cultivation, production, possession, and transportation of medical marijuana remains illegal under federal law, and marijuana remains classified as a “controlled substance” by federal law.

(3) The regulations for medical marijuana uses are not adequate at the state level to address the impacts on the Town of medical marijuana, making it appropriate for local regulation of the impacts of medical marijuana possession, cultivation and uses.

(4) There is no reference to or evidence contained in Article XVIII to establish that Article XVIII is intended to address or regulate land use, planning, development, or operations of businesses engaging in the production, distribution, processing or dispensing of medical marijuana.

(5) Nothing in this Article is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.

(6) This Article is to be construed to protect the public health, safety, welfare and resources over medical marijuana patient and primary caregiver interests. There is no property right for an individual to possess or cultivate medical marijuana in the Town.

(7) The Town has a zero tolerance policy for violations of this Article.

(b) Purpose. The purpose of this Article is to protect the public health, safety and welfare of the residents of the Town by prescribing the manner in which medical marijuana may be used, possessed, distributed, cultivated, and produced within the Town. Further, the purpose of this Article is to:

(1) Provide for means for a patient or primary caregiver to cultivate, produce and process medical marijuana pursuant to the provisions of this Article.

(2) Protect public health, safety and welfare through reasonable limitations on the cultivation, production and processing of medical marijuana as related to noise, air and water quality, food safety, neighborhood and patient safety, security and other health, safety and welfare concerns.

(3) Protect public health, safety and welfare and residential areas by limiting the areas of the Town where more than six medical marijuana plants may be cultivated, produced or processed.

(c) Relationship to State Law. The provisions of this Article that are different from the state law are consistent with the Town's responsibility to protect the public health, safety and welfare as authorized by C.R.S. §12-43.3-305(3), as amended, and by the police powers granted to statutory municipalities pursuant to C.R.S. §31-15-401, as amended, and by the authority granted municipalities to regulate and govern land use matters within their jurisdiction, pursuant to C.R.S. §31-23-301, *et seq*, as amended. Where a provision of this Article conflicts with the state law, this Article shall apply on all matters authorized in C.R.S. §12-43.3-101, *et seq*, and all matters of local concern.

Section 2. Chapter 10, "General Offenses," Article XV, "Medical Marijuana Regulations," Section 10-302 of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

Sec. 10-302 Definitions

The following words, terms and phrases, when used in this Article, shall have the following meanings unless the context clearly indicates otherwise:

Colorado Medical Marijuana Code means Sections 12-43.3-101, *et seq.*, of the Colorado Revised Statutes, as may be amended.

Colorado Medical Marijuana Program means that program defined by Section 25-1.5-106(2)(d), Colorado Revised Statutes, as may be amended.

Contiguous, in terms of determining the area devoted to the cultivating, producing, possessing or processing of medical marijuana and medical marijuana plants, means an uninterrupted expanse of space on the same floor or the level of the primary residence

that can be measured by framing the area with four or more continuous and connected straight lines. The space within a single room which is defined by permanent perimeter walls is contiguous; the space within adjoining rooms divided by a permanent wall or permanent structure but accessible via a common doorway or connected by a common hallway is contiguous; however, nonadjacent spaces separated by two (2) or more permanent walls or separated by floors or levels of the building are not contiguous.

Cultivation or cultivate means (i) all phases of growth of marijuana from seed to harvest; or (ii) preparing, packaging or repackaging, labeling or relabeling of a usable form of marijuana.

Distribute or distribution means the actual, constructive or attempted transfer, delivery, sale or dispensing to another, with or without remuneration.

Lot means that real property around the primary residence and the buildings thereon that are commonly used for domestic and residential purposes.

Medical marijuana means any marijuana that is intended for medical use and is grown for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution.

Medical marijuana plant means marijuana plants, seedlings or any part thereof in a living condition that are lawfully cultivated, produced, possessed, or processed pursuant to the provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, the Colorado Medical Marijuana Program, and other applicable laws or regulations governing the cultivation, production, possession or processing of medical marijuana.

Medical use means that use described and defined in Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code and the Colorado Medical Marijuana Program.

Patient means a person who meets the definition of patient under Article XVIII, Section 14(1)(d) of the Colorado Constitution and applicable law.

Physician means a doctor of medicine as defined in Article XVIII, Section 14(1)(e) of the Colorado Constitution and meeting all requirements of Section 25-1.5-106, Colorado Revised Statutes, as may be amended.

Primary caregiver means a person who meets the definition of primary caregiver under Article XVIII, Section 14(1)(f) of the Colorado Constitution and applicable law.

Primary residence means the place that a person, by custom and practice, makes his or her principle domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical

presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and consumption of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one primary residence. A primary residence shall not include accessory buildings.

Section 3. Chapter 10, “General Offenses,” Article XV, “Medical Marijuana Regulations,” Section 10-303 of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

Sec. 10-303 General Requirements

(a) It shall be unlawful for any person to cultivate, produce or process medical marijuana plants within the Town of Frederick unless such person is lawfully registered as a patient with the State of Colorado, or lawfully licensed as a primary caregiver with the State of Colorado and, provided that:

(1) The cultivation, production, and processing of not more than six marijuana plants occurs within the primary residence of the patient or the primary caregiver.

(2) The cultivation, production and processing fully complies with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, the Colorado Medical Marijuana Program, this Article, and all applicable requirements of the Town of Frederick ordinances, resolutions, and regulations including, but not limited to, building and safety codes, and the Frederick Land Use Code, as may be amended.

(3) Medical marijuana is not cultivated, produced or processed within a garage, whether attached or detached, or other structure designed or intended for the keeping or storage of vehicles, equipment, or goods.

(4) Medical marijuana is not cultivated, produced or processed within any common area(s) of a multi-family or single family attached residential property.

(5) Medical marijuana is not cultivated, produced, or processed in the yard, lot, or other area or structure located outside of the primary residence, including but not limited to outdoor gardens, ancillary or accessory buildings, greenhouses, sheds, or storage units.

(6) Medical marijuana is not produced or processed with the use of chemical(s) for the purpose of enhancing, concentrating or extracting tetrahydrocannabinol (THC) from medical marijuana or medical marijuana plants.

(7) It shall be unlawful for any person to use any compressed, flammable gases as a solvent in the extraction of THC and other cannabinoids. Compressed, flammable gases shall include, but are not limited to, butane, propane and hexane.

(8) The area of a primary residence devoted to the cultivation, production or processing of medical marijuana plants, including the keeping, storage and maintenance of all materials, supplies, tools, equipment and paraphernalia associated with the cultivation, production and processing of medical marijuana plants, does not exceed the following:

- (a) Within a single family detached dwelling unit, a maximum contiguous one hundred fifty (150) square foot area; or
- (b) Within any residential structure other than a single family dwelling unit, a maximum contiguous one hundred (100) square foot area.

(9) In addition to compliance with the Frederick Municipal Code, Land Use Code and uniform code provisions, a patient or primary caregiver shall:

- (a) conduct the cultivation, production, possession and processing of medical marijuana in a fully enclosed area of the residence or building, secured by adequate lock system;
- (b) store all fertilizers and other chemicals in a separate and secure area;
- (c) ensure sufficient ventilation, consistent with and compliant with uniform codes adopted and enforced by the Town;
- (d) prohibit any person other than the patient or primary caregiver access to the area where medical marijuana is cultivated, produced, possessed or processed;
- (e) prohibit any person under the age of twenty-one (21) years of age access to the area where medical marijuana is cultivated, produced, possessed or processed.

(10) In the event the Town incurs costs in the inspection, clean-up, surrender of plants or any other requirements to remove medical marijuana, the responsible person(s) shall reimburse the Town all actual costs incurred by the Town for such inspection or clean-up.

(11) Landlord Duty. It shall be unlawful for the owner of any residence or other building to lease such property, or any part thereof, who knows or reasonably should know that the intended use of the property, or part thereof, will be used to cultivate, produce, possess or process medical marijuana in violation of this Article. In the event the Town has an articulable reason to believe that medical marijuana is being cultivated, produced, possessed or processed in violation of this Article, it shall be unlawful for the

owner of the residence or building to refuse to allow a police officer or building inspector access to the portion of the building in which the suspected medical marijuana activity is located to determine whether there is marijuana on the premises in violation of this Article.

Section 4. Chapter 10, “General Offenses,” Article XV, “Medical Marijuana Regulations,” Section 10-304 of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

Sec. 10-304 Permitted in Zoned Districts

(a) It shall be unlawful for any patient to cultivate, produce, possess or process more than six medical marijuana plants in any dwelling unit on property in the following zoned districts: Agricultural; Residential; Downtown A; Downtown B.

(b) It shall be unlawful for any primary caregiver to cultivate, produce, possess or process more than six medical marijuana plants in any dwelling unit on property in the following zoned districts: Agricultural; Residential; Downtown A; Downtown B.

(c) Any patient or primary caregiver with legal authorization from the State to cultivate, produce, possess or process more than six medical marijuana plants, may do so only in the following zoned districts within the Town:

(1) Industrial (I) zoning district, as defined and set forth in the Frederick Land Use Code.

[This subsection (c) shall be in effect until December 31, 2016.]

(d) Any patient or primary caregiver with legal authorization from the State to cultivate, produce, possess or process more than six, but no more than ninety-nine (99) medical marijuana plants, but may do so only in the following zoned districts within the Town:

(1) Industrial (I) zoning district, as defined and set forth in the Frederick Land Use Code.

[This subsection (d) shall go into effect on January 1, 2017.]

(e) No more than one person, whether patient or primary caregiver, may cultivate, produce, possess or process more than six medical marijuana plants in any one building, or part thereof, in a permitted zoned district listed in subsection (c) of this Section.

(f) No patient or primary caregiver shall cultivate, produce, possess or process more than six medical marijuana plants at a location within 1,000 feet of any public, parochial

or nonpublic school or a state-licensed daycare center, or an addiction recovery facility. Distances shall be measured by the town on official maps as the radius from the closest points on the perimeter of the subject property to the closest point of the school or licensed daycare property.

(g) No patient or primary caregiver with legal authorization from the State to cultivate, produce, possess or process more than six medical marijuana plants shall be in violation of Frederick Land Use Code Section 3.4.2.b.(8)(c)(xv), related to residential protection standards, as amended.

Section 5. Chapter 10, “General Offenses,” Article XV, “Medical Marijuana Regulations,” Section 10-305 of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

Sec. 10-305 Maximum number of medical marijuana plants

(a) It shall be unlawful for any patient to cultivate, produce, possess or process, or permit to be cultivated, produced, possessed or processed in any residential zoned district more than six (6) medical marijuana plants, of which no more than three (3) plants may be mature.

(b) A patient who has a legitimate recommendation from a qualified physician of the patient for a specific amount of marijuana in excess of six marijuana plants as being medically necessary to address the patient’s debilitating medical condition may cultivate, produce, possess or process the number of medical marijuana plants recommended by the qualified physician. The cultivation, production, possession or processing of more than six marijuana plants by a patient shall occur in the zoned district as set forth at Section 10-304(c) of this Article.

(c) It shall be unlawful for any primary caregiver to cultivate, produce, possess or process, or permit to be cultivated, produced, possessed or processed in any residential zoned district more than six (6) medical marijuana plants, of which no more than three (3) plants may be mature.

(d) It shall be unlawful for any primary caregiver to cultivate, produce, possess or process, or permit to be cultivated, produced, possessed or processed in any zoned district other than that set forth at Section 10-304(c) of this Article, more than six (6) medical marijuana plants, of which no more than three (3) plants may be mature. A primary caregiver may lawfully cultivate, produce, possess or process more than six (6) medical marijuana plants only in the zoned district as set at Section 10-304(c) of this Article, provided the primary caregiver is compliant with all state and local laws and regulations related to medical marijuana.

- (e) Where more than one patient and/or primary caregiver resides within a single dwelling unit, such persons may cultivate, produce, possess or process no more than six (6) medical marijuana plants total, of which no more than three (3) may be mature.

Section 6. Chapter 10, “General Offenses,” Article XV, “Medical Marijuana Regulations,” Section 10-306 of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

Sec. 10-306 Exterior impacts unlawful

(a) It shall be unlawful for the cultivation, production, possession or processing of medical marijuana plants within a primary residence to be perceptible from the exterior of the primary residence by means including, but not limited to:

- (1) Common visual observation, including any form of signage;
- (2) Odors, smells, fragrances, or other olfactory stimulus generated by the cultivation, production, possession or processing of medical marijuana plants; or
- (3) Light pollution, glare, or brightness of artificial illumination associated with the cultivation, production, possession, or processing of medical marijuana plants.

Section 7. Chapter 10, “General Offenses,” Article XV, “Medical Marijuana Regulations,” Section 10-307 of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

Sec. 10-307 Special provisions for primary caregivers

- (a) A primary caregiver shall not delegate to any other person his or her authority to provide medical marijuana to a patient; nor may a primary caregiver engage others to assist in the cultivation, production, processing or providing medical marijuana to a patient.
- (b) Two or more primary caregivers shall not join together for the purpose of cultivating medical marijuana.
- (c) A primary caregiver may not charge a patient more than the cost of cultivating or purchasing the medical marijuana.

Section 8. Chapter 10, “General Offenses,” Article XV, “Medical Marijuana Regulations,” Section 10-308 of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

Sec. 10-308 Use of medical marijuana

(a) A patient or primary caregiver shall not:

(1) Cultivate, produce, process or possess marijuana in plain view of, or in a place open to the general public.

(2) Engage in the medical use of marijuana in a way that endangers the health and well-being of a person.

(3) Engage in the medical use of marijuana in plain view of or in a place open to the general public, including, but not limited to, on any public right-of-way or roadway, any town park, open space or trail, or in any vehicle.

(4) Undertake any task while under the influence of medical marijuana, when doing so would constitute negligence or professional malpractice.

(5) Possess medical marijuana or otherwise engage in the use of medical marijuana in or on the grounds of a school or in a school bus. As used herein, “school” shall mean a public, parochial, or nonpublic school that provides a basic academic education in compliance with school attendance laws for students in grades one to twelve.

(6) Operate, or be in actual physical control of any vehicle, aircraft or motorboat while under the influence of medical marijuana.

(7) Cultivate, produce, or process medical marijuana in a location or in a manner which is prohibited by this Article.

(8) Refuse to allow inspection of the location where the patient or primary caregiver cultivates, produces or processes medical marijuana. The owner or occupant of the premises where such cultivation, production or processing takes places may be charged with violation of this subsection.

(9) Prima facie evidence. Prima facie indicia of impairment or being under the influence of marijuana includes, but is not limited to, bloodshot eyes, watery eyes, eyelid tremors, green particulate on tongue, dilated pupils, dry mouth, or any other indicators of impairment, including the odor of burnt marijuana on the person.

Section 9. Chapter 10, “General Offenses,” Article XV, “Medical Marijuana Regulations,” Section 10-309 of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

Sec. 10-309 Penalty, nuisance declared

- (a) It is unlawful for any person to violate any of the provisions of this Article. Any such violation is hereby designated a criminal violation, and any person found guilty (including a plea of guilt or *nolo contendere*) of violating any of the provisions of this Article shall, upon conviction, be punished pursuant to Sec. 1-72(b) of this Code.
- (b) Each day that a violation of any of the provisions of this Article continues to exist shall be deemed a separate and distinct violation.
- (c) The conduct of any activity in violation of this Article is hereby declared to be a public nuisance, which may be abated pursuant to the applicable provisions of this Code.
- (d) In addition to other remedies available to the Town, the Town may commence an action to enjoin the alleged violation of any provision of this Article, or to authorize and compel the removal, termination or abatement of such violation.

Section 10. Chapter 10, “General Offenses,” Article XV, “Medical Marijuana Regulations,” Section 10-310 of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

Sec. 10-310 Search warrant authorized

- (a) The Town declares that a violation of this Article involves a serious threat to public safety or order within the meaning of Rule 241(a)(I) of the Colorado Municipal Court Rules of Procedure.
- (b) If the owner or occupant of the premises denies officials of the Town, including any law enforcement officer, permission to enter and inspect the residential structure, or any accessory building, including but not limited to any shed or detached garage, authorized law enforcement personnel may request the Frederick Municipal Court to issue a search warrant for the inspection of the premises pursuant to the procedures and standards set forth in Rule 241(a)(I) of the Colorado Municipal Court Rules of Procedure.
- (c) The Frederick Municipal Court may issue a search warrant authorizing officials of the Town, including but not limited to any law enforcement officer, to inspect a residential structure for the cultivation, production, possession or processing of medical marijuana plants in accordance with Rule 241(a)(I) of the Colorado Municipal Court Rules of Procedure. Any search warrant issued pursuant to this Article shall fully comply with the applicable provisions of Rule 241(a)(I) of the Colorado Municipal Court Rules of Procedure.

(d) The Frederick Municipal Court may impose such conditions on a search warrant as may be necessary to protect the private property rights of the owner of the premises to be inspected or to otherwise ensure that the warrant complies with applicable law.

(e) It shall be unlawful and a violation of this Article for any owner or occupant to deny any official of the Town access to the property owner or occupied by such owner or occupant if the authorized person presents a warrant issued pursuant to this Article.

Section 11. Chapter 10, “General Offenses,” Article XV, “Medical Marijuana Regulations,” Section 10-311 of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

Sec. 10-311 Most stringent law applies

Nothing in this Article is intended to supersede or modify applicable provisions of state law concerning the same subject. To the extent this Article is interpreted to authorize an action or activity otherwise prohibited by state law, such authorization shall mean such action or activity is not prohibited by local law. To the extent that a provision of state law is or becomes more stringent than a provision of this Article, the most stringent requirement or construction shall govern or apply.

Section 12. Chapter 6, “Business Licenses and Regulations,” Article V, “Medical Marijuana; Primary Caregivers,” is hereby repealed in its entirety.

Section 13. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 14. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 15: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS
____ day of _____, 2015.

TOWN OF FREDERICK

By: _____
Tony Carey, Mayor

ATTEST:

By _____
Megan Martinez, Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

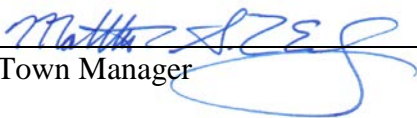
AN ORDINANCE ENACTING CHAPTER 10, “GENERAL OFFENSES,” ARTICLE VI, “OFFENSES RELATED TO DRUGS,” SECTION 10-117, “RECREATIONAL MARIJUANA,” OF THE MUNICIPAL CODE OF THE TOWN OF FREDERICK; AND, SETTING FORTH DETAILS IN RELATION THERETO.

Agenda Date: Town Board Meeting - August 19, 2015

Attachments: a. Ordinance No. 1203

Finance Review: _____
Finance Director

Submitted by: Kristin N. Brown, Town Prosecutor

Approved for Presentation: 
Town Manager

☐ Quasi-Judicial

☐ Legislative

☐ Administrative

Summary Statement:

The proposed ordinance establishes local regulations related to the cultivation of recreational marijuana.

Detail of Issue/Request:

Since the 2012 general state election, the cultivation of recreational marijuana has been legal. However, the town is lacking any local regulation of such cultivation, which can affect the health, safety and welfare of the residents of the town. The town has authority to enact ordinances related to land use matters, and that protect the health, safety and welfare of the residents of the town.

The proposed ordinance related to recreational marijuana limits where a person can cultivate recreational marijuana and how many plants can be cultivated in a residential zoned district. The ordinance also requires that any person cultivating recreational marijuana must comply with all

provisions of the Frederick Land Use Code, and all uniform codes adopted and enforced by the town (i.e.: building code, electrical code, etc.).

Legal/Political Considerations:

A lack of local regulation of the cultivation of marijuana may make it difficult to address any large scale marijuana grow in town.

Alternatives/Options:

The Board of Trustees can vote in favor of the proposed ordinance, or not. Without such local regulations related to the cultivation of recreational marijuana, addressing the myriad of issues that can arise with a marijuana grow in a residential district will be very difficult.

Financial Considerations:

Not applicable.

Staff Recommendation:

Staff recommends that the Board of Trustees adopt the proposed ordinance.

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1203**

AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, ENACTING CHAPTER 10, “GENERAL OFFENSES,” ARTICLE VI, “OFFENSES RELATED TO DRUGS,” SECTION 10-117, “RECREATIONAL MARIJUANA,” OF THE MUNICIPAL CODE OF THE TOWN OF FREDERICK; AND, SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, at the November 6, 2012 general election the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution, which is codified as Article XVIII, Section 16 of the Colorado Constitution (“Amendment 64”); and

WHEREAS, Amendment 64 permits persons twenty-one years of age and older to possess, use, display, purchase or transport one ounce or less of marijuana, or marijuana accessories, to grow and process limited amounts of marijuana; and

WHEREAS, in 2013, this governing body, the Frederick Board of Trustees, adopted by emergency measure Ordinance 1123 imposing a moratorium on the operation of any marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility or retail marijuana store within the Town of Frederick pursuant to Amendment 64; and

WHEREAS, the Board of Trustees previously enacted local provisions related to the lawful possession of marijuana, marijuana accessories and the lawful cultivation of marijuana consistent with the provisions of Amendment 64; and

WHEREAS, the Board of Trustees finds and determines that enactment of this ordinance is in the best interest of the health, safety and welfare of the citizens of the Town.

WHEREAS, the Town of Frederick is a statutory municipality created and organized pursuant to Title 31, Colorado Revised Statutes; and

WHEREAS, by virtue of Title 31, Colorado Revised Statutes, including but not limited to §31-15-401 and §31-23-301, the Town of Frederick has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its inhabitants; and

WHEREAS, planning, land use and business regulation are well established as purely matters of local concern; and

WHEREAS, the Board of Trustees finds that cultivation, production, and processing of marijuana plants in residential buildings may produce a variety of deleterious effects upon the integrity of residences and the welfare of residential communities, including, but not limited to, potentially unsafe structural alterations or additions to residences; extraordinary demands on and potentially unsafe alterations to residential electrical systems; additions of conduits for water and humidity that can facilitate the growth of dangerous or damaging molds and fungi; increased risk

of fire and electrocution due to the proximity of electrical uses and water supplies, potential toxicity of residential air supply due to the use of heating devices, generators, and the addition of carbon monoxide to growing environments; and increased risk of fire due to the presence of hazardous materials such flammable materials or volatile substances used in the cultivation, production, and processing of marijuana plants or derivatives thereof; and

WHEREAS, permitting any person to cultivate, acquire, possess, store, produce, prepare, use, transport marijuana in any form pursuant to Amendment 64 without appropriate local regulation could create conflicts with the goals and objectives of the Town's comprehensive land use plan, be inconsistent with residential land uses and other uses, or otherwise be detrimental to the public health, safety and welfare; and

WHEREAS, the Board of Trustees of the Town of Frederick believes it is in the best interest of the Town of Frederick to amend the Frederick Municipal Code as set forth herein, and that such action is necessary for the immediate preservation of the public property, peace, health, safety, and welfare of the Town and for the financial well-being of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. Chapter 10, "General Offenses," Article VI, "Offenses Relating to Drugs," Section 10-117, "Recreational Marijuana," of the Municipal Code of the Town of Frederick is hereby enacted to read as follows:

10-117 Recreational Marijuana.

(a) Intent. The Board of Trustees intends to regulate the use, possession, cultivation, production and distribution of marijuana in a manner consistent with Article XVIII, Section 16 of the Colorado Constitution Amendment (also known as Amendment 64) and finds that the provisions of this Section are directly and demonstrably related to the use, possession, cultivation, production and distribution of marijuana in a manner to minimize negative impacts on the community.

(1) Marijuana use, distribution, cultivation and production can have an impact on the health, safety, and community resources, and this Section is intended to permit marijuana cultivation and production so that it will have a minimal impact on the community.

(2) Use, distribution, cultivation, production, possession and transportation of marijuana remains illegal under federal law.

(3) The state law related to recreational marijuana is not intended to, and does not, address the local impacts of marijuana cultivation, production and processing, making it appropriate for local regulation of such activity.

(4) Nothing in this Section is intended to promote or condone the production, distribution or possession of marijuana in violation of any applicable law.

(b) Purpose. The purpose of this Section is to protect the public health, safety and welfare of the residents of the Town by prescribing the manner in which recreational marijuana cultivation, production and processing may be conducted in the Town. Further, the purpose of this Section is to:

(1) Provide a means of cultivation, production and possession of marijuana to persons permitted to obtain, possess and use marijuana for recreational purposes.

(2) Protect public health and safety through reasonable limitations on the cultivation, production and possession of marijuana.

(3) Protect public safety and residential areas by limiting the number of marijuana plants that may be grown in specific zoned districts.

(c) Relationship to State Law. The provisions of this Section that are different from the applicable state law are consistent with the Town's responsibility to protect the public health, safety and welfare as authorized by applicable law. Where this Section conflicts with the state law, this Section shall apply.

(d) The following words, terms and phrases, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise:

Marijuana means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. *Marijuana* does not include industrial hemp, nor does it include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seeds of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Contiguous, in terms of determining the area devoted to the growing or processing of no more than six marijuana plants, means an uninterrupted expanse of space on the same floor or the level of the primary residence that can be measured by framing the area with four or more continuous and connected straight lines. The space within a single room which is defined by permanent perimeter walls is contiguous; the space within adjoining rooms divided by a permanent wall or permanent structure but accessible via a common doorway or connected by a common hallway is contiguous; however, nonadjacent spaces separated by two (2) or more permanent walls or separated by floors or levels of the building are not contiguous.

Lot means that real property around the primary residence and the buildings thereon that are commonly used for domestic and residential purposes.

Primary residence means the place that a person, by custom and practice, makes his or her principle domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and consumption of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one primary residence. A primary residence shall not include accessory buildings.

(e) General requirements.

(1) It shall be unlawful for any person to possess, grow, process or transport more than six marijuana plants.

(2) Any lawful possession, growing, processing or transporting of marijuana plants, with three or fewer being mature, flowering plants, shall occur within the primary residence of the person so possessing, growing, processing or transporting the marijuana plants.

(3) The lawful possession, growing, processing or transporting of marijuana plants shall fully comply with all applicable provisions of Article XVIII, Section 16 of the Colorado Constitution, this Section, and all applicable requirements of the Town of Frederick ordinances, resolutions, and regulations including, but not limited to, building and safety codes, and the Frederick Land Use Code, as may be amended.

(4) The lawful cultivation and processing of no more than six marijuana plants shall not occur within a garage, whether attached or detached, or other structure designed or intended for the keeping or storage of vehicles, equipment, or goods.

(5) The lawful cultivation and processing of marijuana plants shall not occur within any common area(s) of a multi-family or single family attached residential property.

(6) The lawful cultivation and processing of marijuana plants shall not occur in the yard, lot, or other area or structure located outside of the primary residence, including but not limited to outdoor gardens, ancillary or accessory buildings, greenhouses, sheds, or storage units.

(7) The lawful cultivation and processing of marijuana plants shall not involve the use of chemical(s) for the purpose of enhancing, concentrating or extracting tetrahydrocannabinol (THC) from marijuana plants.

(8) The area of a primary residence devoted to the lawful cultivation or processing of plants, including the keeping, storage and maintenance of all materials, supplies, tools, equipment and marijuana accessories associated with the possession, growing or processing of no more than six marijuana plants, shall not exceed the following:

- (a) Within a single family detached dwelling unit, a maximum contiguous one hundred fifty (150) square foot area; or
- (b) Within any residential structure other than a single family dwelling unit, a maximum contiguous one hundred (100) square foot area.

(9) It shall be unlawful for any person to use any compressed, flammable gasses as a solvent in the extraction of THC and other cannabinoids. Compressed, flammable gasses shall include, but is not limited to, butane, propane and hexane.

(f) Maximum Number of Plants:

(1) It shall be unlawful for any person to cultivate, possess, process or transport more than six (6) marijuana plants, of which no more than three (3) plants may be mature, flowering plants in any dwelling unit on property in the following zoned districts: Agricultural; Residential; Downtown A; Downtown B. Where more than one person resides in or has access to a single dwelling unit, such persons may cultivate, possess, process a maximum of six (6) marijuana plants, of which no more than three (3) may be mature.

(2) It shall be unlawful for any persons to cultivate, possess, process or transport more than six (6) marijuana plants, of which no more than three (3) plants may be mature, flowering plants, on any property in any other zoned district.

(g) Exterior impacts unlawful.

(a) It shall be unlawful for the cultivation, production, possession or processing of medical marijuana plants within a primary residence to be perceptible from the exterior of the primary residence by means including, but not limited to:

(1) Common visual observation, including any form of signage;

(2) Odors, smells, fragrances, or other olfactory stimulus generated by the cultivation, production, possession or processing of medical marijuana plants; or

(3) Light pollution, glare, or brightness of artificial illumination associated with the cultivation, production, possession, or processing of medical marijuana plants.

(h) Penalty, nuisance declared.

(1) It is unlawful for any person to violate any of the provisions of this Section. Any such violation is hereby designated a criminal violation, and any person found guilty (including a plea of guilt or *nolo contendere*) of violating any of the provisions of this Section shall, upon conviction, be punished pursuant to Sec. 1-72(b) of this Code.

(2) Each day that a violation of any of the provisions of this Section continues to exist shall be deemed a separate and distinct violation.

(3) The conduct of any activity in violation of this Section is hereby declared to be a public nuisance, which may be abated pursuant to the applicable provisions of this Code.

(4) In addition to other remedies available to the Town, the Town may commence an action to enjoin the alleged violation of any provision of this Section, or to authorize and compel the removal, termination or abatement of such violation.

(i) Search warrant authorized.

(1) The Town declares that a violation of this Section involves a serious threat to public safety or order within the meaning of Rule 241(a)(I) of the Colorado Municipal Court Rules of Procedure.

(2) If the owner or occupant of the premises denies officials of the Town, including any law enforcement officer, permission to enter and inspect the residential structure, or any accessory building, including but not limited to any shed or detached garage, authorized law enforcement personnel may request the Frederick Municipal Court to issue a search warrant for the inspection of the premises pursuant to the procedures and standards set forth in Rule 241(a)(I) of the Colorado Municipal Court Rules of Procedure.

(3) The Frederick Municipal Court may issue a search warrant authorizing officials of the Town, including but not limited to any law enforcement officer, to inspect a residential structure for the cultivation, production, possession or processing of recreational marijuana plants in accordance with Rule 241(a)(I) of the Colorado Municipal Court Rules of Procedure. Any search warrant issued pursuant to this Chapter shall fully comply with the applicable provisions of Rule 241(a)(I) of the Colorado Municipal Court Rules of Procedure.

(4) The Frederick Municipal Court may impose such conditions on a search warrant as may be necessary to protect the private property rights of the owner of the premises to be inspected or to otherwise ensure that the warrant complies with applicable law.

(5) It shall be unlawful and a violation of this Article for any owner or occupant to deny any official of the Town access to the property owner or occupied by such owner or occupant if the authorized person presents a warrant issued pursuant to this Article.

(j) Most stringent law applies.

Nothing in this Section is intended to supersede or modify applicable provisions of state law concerning the same subject. To the extent this Section is interpreted to authorize an action or activity otherwise prohibited by state law, such authorization shall mean such action or activity is not prohibited by local law. To the extent that a provision of state law is or becomes more stringent than a provision of this Section, the most stringent requirement or construction shall govern or apply.

Section 2. Chapter 6, “Businesses Licenses and Regulations,” Article VI, “Marijuana; Personal Use,” Sections 6-107(b), (c), (d), (e) (f), “Uses Prohibited,” of the Municipal Code of the Town of Frederick are hereby repealed.

Section 3. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 4. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 5: Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS
____ day of _____, 2014.

TOWN OF FREDERICK

By: _____
Tony Carey, Mayor

ATTEST:

By _____
Megan Martinez, Town Clerk



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Tony Carey, Mayor

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

Consideration of Amendments to Articles 1 and 3 of the Frederick Land Use Code Pertaining to Medical Marijuana and Recreational Marijuana

Agenda Date: August 25, 2015

Attachments:

- a. Redline version of Article 1, Definitions
- b. Redline version of Section 3.4, Matrix of Permitted, Conditional, and Special Uses by Zoning District
- c. Planning Commission Minutes from July 21, 2015 Meeting
- d. PCR-2015-07A
- e. Ordinance

Finance Review:

Finance Director

Submitted by:

Jennifer Simmons
Planning Director

Approved for Presentation:


Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

Summary Statement:

Amendments to Articles 1 and 3 of the Frederick Land Use Code are being amended to better address issues pertaining to the growing of medical marijuana.

Detail of Issue/Request:

The Town's regulations pertaining to marijuana were originally crafted with the best information available at the time. Now that some time has passed, additional impacts are becoming apparent and amendments to the Land Use Code have been drafted to address those impacts.

Built on What Matters.

Proposed Amendments to Article 1:

Definitions have been added to Article 1, Section 1.15 to provide contextual information on the follows words/phrases:

- Colorado Medical Marijuana Code
- Colorado Medical Marijuana
- Contiguous
- Cultivation or cultivate
- Distribute or distribution
- Medical marijuana
- Medical marijuana plant
- Medical use
- Medical marijuana patient
- Medical marijuana physician
- Primary caregiver
- Primary residence

If there was already a definition in Section 1.15, these new definitions will replace the old definition (e.g. Medical Use). A redline version of Section 1.15 is included to provide the detailed definitions.

Proposed Amendments to Article 3:

In Article 3, Section 3.4, the Matrix of Permitted, Conditional, and Special Uses by Zoning District has been amended to allow residents to have up to six (6) medical marijuana plants in their dwelling unit. If more than six (6) plants are being grown, they must be grown in an industrial zone after going through a conditional use review process. Senate Bill 15-014 passed the 2015 legislative session and limits the number of medical marijuana plants a patient or primary caregiver can cultivate to 99 plants, however, it doesn't take effect until January 1, 2017. This language and effective date is included with the suggested amendments. Additionally, the table now identifies that a residents in a single dwelling unit may grow up to six (6) recreational marijuana plants per dwelling unit.

The specific use standards have also been amended to require a five hundred (500) foot residential protection standard. Regulation 20 has been updated to clarify in the downtown zones (Downtown A and Downtown B), marijuana may be grown for recreational and medicinal purposes but is limited to six medicinal plants and six recreational plants for a total maximum of 12 plants per dwelling unit. It is not legal to grow marijuana within a business. Regulations 21, 22, and 23 will be removed in their entirety. The remaining regulations will be renumbered and the table has been updated to reflect the new numbering.

Review Criteria:

Section 4.7.9.b. For the purpose of establishing and maintaining sound, stable, and desirable development within the Town, the text of this Code shall not be amended except:

- (1) To correct a manifest error in the text of this Code;
- (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
- (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
- (4) To further the implementation of the goals and objectives of the Comprehensive Plan.

The amendments to Sections 1.15 and 3.4 are proposed to accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code and to provide for

changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff.

Planning Commission:

Planning Commission considered the proposed amendments at the meeting held July 21, 2015 (see attached minutes). A recommendation of approval was made unanimously with PCR-2015-07A.

Public Notice:

This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

Legal Comments:

The proposed amendments were drafted by the Town Prosecutor.

Alternatives/Options:

The Board of Trustees may choose to approve, approve with conditions, or deny the proposed amendments.

Financial Considerations:

Not Applicable.

Staff Recommendation:

Staff recommends approval of the ordinance presented to amend Land Use Code Articles 1 and 3.

1.15 Definitions.

1. Terms used in this Code are defined as follows:

Accessory building means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.

Accessory dwelling means an apartment integrated within a single-family dwelling or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. In the Agriculture and Estate Residential Zoning Districts, accessory dwellings shall be limited to a minimum of five hundred (500) square feet and a maximum of one half (1/2) the total floor area of the primary residence. In the R-1 and R-2 Zoning Districts, accessory dwellings shall be limited to a minimum of five hundred (500) square feet and a maximum of one thousand (1,000) square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-half (1/2) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.

Accessory use means a subordinate use, clearly incidental and related to the main structure, building, or use of land, and located on the same lot as that of the main structure, building or use. If the use is called out specifically in the table of permitted uses (Table 3-1), the requirements of the table apply.

Adjacent means meeting or touching at some point, or separated from a lot or parcel by one (1) of the following: a street, alley, or other right-of-way, lake, stream, or open space.

Adjacent property owner is an owner of record of any estate, right, or interest in real property abutting the subject property.

Administrative official means any employee who has the authority to approve or deny a land use decision, including but not limited to, land use applications and building permits.

Adult-oriented use means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing, or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing, or relating to *specified sexual activities* or *specified anatomical areas* as the primary attraction to the premises, including, but not limited to:

- a. *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

- b. *Adult bookstore or adult video store* means a place where books, magazines, motion pictures, prints, photographs, periodicals, video or audio recordings, novelties and devices, or any of these things, which have as their primary or dominant theme, matter depicting, illustrating, describing, or relating to specified sexual activities or

specified anatomical areas, are sold or offered for sale to adults; and includes a place with only a portion or section of its area set aside for the display or sale of such material to adults, except that any place, otherwise included within this definition, that derives not more than ten percent (10%) of its gross income from the sale of such material shall be exempt from the provisions of this Section so long as such material is kept in a location where it is not visible and shall not be a self-service item for the customers of such place.

c. *Adult cabaret* means a nightclub, bar, restaurant or similar business which regularly features:

1. Persons who appear in a state of nudity;
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

d. *Adult motel* means a hotel, motel, or similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

e. *Adult motion picture theater* means a business where films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

f. *Adult photo studio* means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing *specified anatomical areas*.

g. *Adult theater* means a theater, concert hall, auditorium, or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

h. *Peep booth* means a viewing room, other than a private room, of less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.

i. *Private room* means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.

j. *Sexual encounter establishment* means a business or commercial establishment which, as one (1) of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one (1) or more of the persons exposes any specified anatomical area.

k. *Sexually oriented business* means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:

1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
3. The addition of any sexually oriented business to any other existing sexually oriented business;
4. The relocation of any sexually oriented business; or
5. The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.

l. *Specified anatomical areas* means:

1. Less than completely and opaquely covered: human genitals, pubic region, buttocks and female breast below a point above the top of the areola.
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

m. *Specified sexual activities* means acts, simulated acts, exhibitions, representations, depictions or descriptions of:

1. Human genitals in a state of sexual stimulation or arousal.
2. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
3. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
4. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals, or excretory function.
5. Flagellation, mutilation, or torture for purposes of sexual arousal, gratification or abuse.

n. *Stage* means a raised floor or platform at least three (3) feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six (36) square feet in area.

Agricultural activity means farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. The application of fertilizers, herbicides, and pesticides is incidental to this activity.

Agricultural land means land that is being used for agricultural activities.

Agritainment means a for-profit business operation, located and operated on an agricultural property. The business provides educational and/or entertainment opportunities to its patrons in an agriculturally oriented environment by way of activities, events, demonstrations, displays, interactive participation, tours, lectures, and/or the sale of agriculturally related products. Characteristic uses permitted in an agritainment business include but are not limited to:

1. Animal petting zoo and farm animal centers
2. Community event
3. Concessions
4. Country store/craft shop
5. Cultural or special events and religious festivals
6. Educational activities and programs
7. Farm tours
8. Farmers market
9. Farm-life activities and entertainment
10. Thematic vacations or events

Alley means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration means any change, addition or modification in construction, occupancy or use.

Animal boarding means the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.

Animal unit means the number of animals grouped together to be counted as one unit. Animal units are calculated based on the following chart:

Livestock	Animals per Animal Unit
Cattle/Buffalo/Horse	1
Swine/Ostrich	5
Goat/Sheep/Llama	3
Poultry	50
Other livestock	1

Applicant is the owner of land, the owner's authorized representative, or the optionee of the land, as well as mineral owners and lessees.

Appurtenances means the visible, functional, or ornamental objects accessory to and part of a building.

Aquifer recharge area means an area where water is absorbed into a natural aquifer adding to the zone of saturation.

Arcade is a series of arches supported on piers or columns.

Archery range means a facility where only bows and arrows may be used for target practice.

Area of lot means the total horizontal area within the lot lines of a lot.

Artisan studio and gallery means the workshop or studio of an artist, craftsperson, sculptor, or photographer, which workshop is primarily used for on-site production of unique custom goods through the use of hand tools or small-scale equipment, and only incidentally used, on an infrequent basis if at all, as an accessory gallery or for incidental sales.

Assisted living facility means a special combination of housing, supportive services, personalized assistance, and/or health care designed to respond to the individual needs of those who need help with activities of daily living. The facility may have a central and/or

private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.

Automotive repair, major means an establishment primarily engaged in the repair or maintenance of commercial and heavy-truck-oriented motor vehicles, trailers, and similar large mechanical equipment, including paint, body, and fender and major engine and engine part overhaul, provided that it is conducted within a complete enclosed building. Such use shall not include the sale of fuel, gasoline, or petroleum products.

Automotive repair, minor means an establishment primarily engaged in the repair or maintenance of passenger and light-truck-oriented motor vehicles, trailer, and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, car washing, detailing, polishing, or the like, provided that it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

Awning means a roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.

Awning sign means a wall sign which is painted, stitched, sewn, or stained onto the exterior of an awning.

Backyard chicken shall mean an accessory use in conjunction with an established single-family residence. A backyard chicken includes only hens. Roosters are not permitted as backyard chickens.

Bar or tavern means an establishment providing or dispensing fermented malt beverages and/or malt, vinous, or spirituous liquors, and in which the sale of food products such as sandwiches or light snacks is secondary.

Beacon, revolving means a rotating source of light.

Bed and breakfast means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.

Bikeway means a path designed for use by bicyclists, which may be used by pedestrians.

Blank wall means an exterior building wall with no openings and a single material and uniform texture on a single plane.

Block means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterways, or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

Board of Trustees (Board) means the governing board of the Town of Frederick.

Boarding and rooming house means a building or portion of which is used to accommodate, for compensation, four (4) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word *compensation* shall include compensation in money, services, or other things of value.

Brewery means an industrial use with appropriate state liquor licensing, that is primarily a manufacturing facility, where malt liquors are manufactured on the premises. Breweries may, but are not required to, include a tap room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing. The term "brewery" as used in this code includes both

regional breweries, which produce between 15,000 and 6,000,000 barrels per year; and large breweries, which produce more than 6,000,000 barrels per year.

Brewpub means an establishment that is primarily a restaurant where malt, vinous and/or spirituous liquors (beer, wine or hard liquor) are manufactured on the premises as an accessory use, primarily for sale and consumption on premises. A brewpub may distribute its products off-site as consistent with state law. Establishments that do not contain a restaurant component as the primary use are considered microbreweries, microwineries, or microdistilleries and are subject to different regulations. Regardless of the presence of a restaurant component, establishments that exceed the maximum production limits for microbreweries, microwineries, or microdistilleries are considered breweries, wineries or distilleries and are subject to different regulations.

Also see definitions and regulations for restaurants, microbreweries, microwineries, microdistilleries, breweries, wineries, and distilleries.

Building means any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, which is governed by the following characteristics:

- a. Is permanently affixed to the land.
- b. Has one (1) or more floors and a roof.

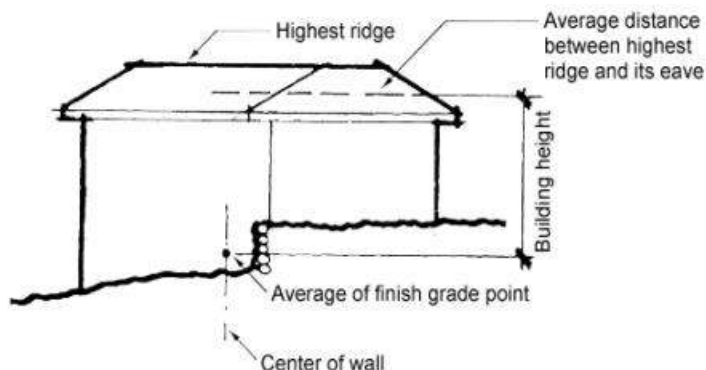
Building code means the set of standards that must be followed in the construction and remodeling of buildings and structures. Contact the Building Division for more information.

Building frontage means the horizontal, linear dimension of that side of a building which abuts a street, parking area, mall, or other circulation area open to the public and has either a main window display or a public entrance to the building.

Building height is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.

Figure 1-1

Building Height Measurement



Caliper means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

Cash-in-lieu means that the applicant, at the option of the Board of Trustees, may pay the Town money instead of land dedication in those cases where the dedication of land is unacceptable. The payment shall comply with the following requirements unless otherwise provided for this Code.

a. Payment shall be based on the market value, to be determined after completion of the platting process, of the entire property as it is valued after platting.

b. The value of the land is based upon an appraisal by a competent, independent appraiser selected by the Town and the applicant, or upon value negotiated between the Town and the applicant. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the Town's sole option and discretion.

c. A proportionate amount of this value shall be assigned to any parcels or properties requested by the Town for public use.

d. Minimum payment for cash-in-lieu of land dedication shall be five hundred dollars (\$500.00) for any required dedication.

e. Combination of dedication and cash-in-lieu:

1. The applicant, at the option of the Board, may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is unacceptable.

2. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.

Character means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition, and uniqueness.

Child care center means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five (5) or more children who are eighteen (18) years of age or younger and who are not related to the owner, operator, or manager, whether the facility is operated with or without compensation for such care and with or without stated education purposes. The term includes, but is not limited to, facilities commonly known as day care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children and those facilities that give twenty-four (24) hour care for children and includes those facilities for children under the age of six (6) years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six (6) grades or operated as a component of a school district's preschool program operated pursuant to Article 28 of Title 22, C.R.S. The term shall not

include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three (3) or more children pursuant to Colorado Revised Statutes but that is providing care for three (3) or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.

Child care, in-home means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen (18) years who are not related to the head of such home. *Child care, in-home* may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules of the State Department of Social Services pursuant to C.R.S. Section 26-6-106(2)(p).

Church or place of worship and assembly means a building containing a hall, auditorium, or other suitable room used for the purpose of conducting religious or other services or meetings of the occupants of such structure. *Church or place of worship and assembly* shall include churches, synagogues, or the like, but shall not include buildings used for commercial endeavors, including but not limited to commercial motion picture houses or stage productions.

Clerestory means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.

Clinic means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Clubs and lodges means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

Cohesive means having a natural or logical agreement of parts connected, as in a cohesive neighborhood.

Colorado Medical Marijuana Code means Sections 12-43.3-101, et seq., of the Colorado Revised Statutes, as may be amended.

Colorado Medical Marijuana Program means that program defined by Section 25-1.5-106(2)(d), Colorado Revised Statutes, as may be amended.

Commercial mineral deposits means oil, gas, gravel, and other natural deposits that may be extracted from a property for economic benefit.

Commercial vehicle means any vehicle used for any commercial or business purpose and includes, but is not limited to, any trailer used for commercial or business purposes. Excluded from this definition is any passenger vehicle, with or without an attached trailer, used for any commercial or business purpose, the total or combined length of which does not exceed twenty-five (25) feet (as measured from extreme front bumper to extreme rear bumper).

Common equestrian stabling and grazing means shared pastures and/or common barns for horses in a rural subdivision which is owned and maintained by a homeowners' association.

Common open space means a parcel of land, an area of water, or a combination of land and water within the site designated and intended primarily for the use or enjoyment of residents of the subdivision.

Community Design Principles and Development Standards means the standards in this Code set forth in Article 2.

Community facility means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative, or entertainment needs of the community as a whole.

Compatibility means the characteristics of different uses, activities, or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access, and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. *Compatibility* does not mean *the same as*. Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Plan means the Town of Frederick Comprehensive Plan.

Compressed gravel means gravel used for construction purposes that meets current Town standards. Contact the Engineering Department for more information.

Condominium means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

Connecting walkway means:

- a. Any street sidewalk; or
- b. Any walkway that directly connects a building entrance to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places, and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

Conservation easement means a legal document created pursuant to C.R.S. Section 38-30.5-101 et seq., which restricts the development rights of property in perpetuity and permits the property to be used only for the conservation purposes permitted in C.R.S. Section 38-30.5-101 et seq., Section 170(h) of the Internal Revenue Code, and the Treasury Regulations adopted under Section 170(h).

Container (a/k/a cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a vessel, a rail car, or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid, or equipped with interior devices. A standard container may be twenty (20) feet, forty (40) feet, forty-five (45) feet, forty-eight (48) feet, or fifty-three (53) feet in length, eight (8) feet or eight (8) feet six (6) inches in width, and eight (8) feet six (6) inches or nine (9) feet six (6) inches in height.

Contiguous, in terms of determining the area devoted to the cultivating, producing, possessing or processing of medical marijuana and medical marijuana plants, means an uninterrupted expanse of space on the same floor or the level of the primary residence that can be measured by framing the area with four or more continuous and connected straight lines. The space within a single room which is defined by permanent perimeter walls is contiguous; the space within adjoining rooms divided by a permanent wall or permanent structure but accessible via a common doorway or connected by a common hallway is contiguous; however, nonadjacent spaces

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separated by two (2) or more permanent walls or separated by floors or levels of the building are not contiguous.

Cornice means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

Covenants means a private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by the Town. In the event of conflict between the covenants and this Code, this Code controls.

Crematorium or crematory means a place where human or animal remains are reduced to ashes.

Critical plant communities means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.

Crosswalk means a pathway marked off for pedestrians to cross a street.

Cul-de-sac means a local street with only one (1) outlet and having the other end for the reversal of traffic movement.

Cultivation or cultivate means (i) all phases of growth of marijuana from seed to harvest; or (ii) preparing, packaging or repackaging, labeling or relabeling of a usable form of marijuana.

Cultural assets means buildings, locations, and other features considered historically or socially significant to the community.

Dedicated land means land transferred to the Town by platting, title, deed, or other legal method approved by the Town Attorney.

Dedication means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

Density means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

Design standards means the standards that set forth specific improvements requirements.

Detention basin means a man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or man-made outlets.

Developer means any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a development.

Development means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or to the result of development. *Development* shall also include:

a. Any construction, placement, reconstruction, alteration of the size, or material change in the external appearance of a structure on land;

- b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;
- c. Any change in use of land or a structure;
- d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir, or wetland;
- e. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling, or excavation on a parcel of land;
- f. The demolition of a structure;
- g. The clearing of land as an adjunct of construction;
- h. The deposit of refuse, solid, or liquid waste or fill on a parcel of land;
- i. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
- j. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

Development shall *not* include:

- a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- b. Work by any public utility for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any mains, pipes, cables, utility tunnels, power lines, towers, poles, or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals, or any similar traffic-generating activity;
- c. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior, the color of the structure, or the decoration of the exterior of the structure;
- d. The use of any land for an agricultural activity;
- e. A change in the ownership or form of ownership of any parcel or structure; or
- f. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.

Development plan means the written and graphical documents that detail the provisions for development of a planned unit development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrian areas, and parking facilities; and common open space and other public facilities.

Developmental disability means a disability that is manifested before the person reaches twenty-two (22) years of age; constitutes a substantial handicap to the affected individual; and is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism, or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a mentally retarded person.

Distillery shall mean an industrial use with appropriate state liquor licensing that is primarily a manufacturing facility that produces more than fifteen thousand (15,000)

gallons per year of spirituous beverages on site. Distilleries may, but are not required to, include a tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

Distribute or distribution means the actual, constructive or attempted transfer, deliver, sale or dispensing to another, with or without remuneration.

Dormer means a projecting structure built out from a sloping roof, usually housing a vertical window or vent.

Downtown means the original business district of the Town.

Drive aisles means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.

Drive-in use (also Drive-up and Drive-through) means an establishment which, by design, physical facilities, service or packaging procedures, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

Dwelling means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multi-family dwellings.

Dwelling, multi-family means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses, and similar group accommodations.

Dwelling, single-family means a building designed exclusively for occupancy by one (1) family, but not including a mobile home, otherwise provided herein.

Dwelling, single-family attached means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

Dwelling, single-family detached means a single-family dwelling which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.

Dwelling, two-family means a building occupied by two (2) families living independently of each other.

Dwelling unit means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied, or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling, or mixed-use building.

Easement means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified uses.

Eave means the overhanging lower edge of a roof.

Elevation means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color, and overall stylistic expression.

Employees means the total number of persons to be employed in a building during normal periods of use.

Entertainment facilities and theaters means a building or part of a building devoted to showing motion pictures or dramatic, musical, or live performances.

Environmentally sensitive areas means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.

Family means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
- b. Any unrelated group of persons consisting of:
 1. Not more than three (3) persons;
 2. Not more than two (2) unrelated adults and their children, if any; or
 3. Not more than eight (8) developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

Farm animals means animals commonly raised or kept in an agricultural, rather than an urban, environment, including but not limited to roosters, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys, and mules.

Feedlot means any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats, emus, ostriches, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

FEMA means the Federal Emergency Management Agency.

FHA means the Federal Housing Administration.

Financial institutions includes the following types of businesses: banks including savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, and insurance agents.

Floodplain or flood hazard area means an area which has been designated by the Board of Trustees, the Colorado Water Conservation Board, or FEMA as susceptible to flooding.

Flood-prone means an area subject to flooding which has not been designated by the Board of Trustees, the Colorado Water Conservancy Board, or FEMA.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor area, also called *gross floor area*, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages, or other enclosed automobile parking areas and basement storage areas, and not including one-half (1/2) of all storage and display areas for durable goods.

Floor Area Ratio (FAR) means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.

Food catering means a business in which the principle use is the preparation of food and meals on the premises, and where food and meals are delivered to another location for consumption.

Food product production means an establishment in which the principal use is the production of food products on the premises to be sold on the premises and may or may not be consumed on the premises. Examples of this type of establishment include but are not limited to bakeries, candy shops, ice cream shops, and pet treat shops.

Footprint, also called *ground level footprint*, means the outline of the total area which is covered by a building's perimeter at ground level.

Foster care home means a facility that is certified by the County Department of Social Services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care.

Freestanding sign means a sign which is supported by one (1) or more columns, uprights, poles, or braces extended from the ground, or which is erected on the ground, and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

Functional open space means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat, or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways, and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

Funeral home means a building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies.

Gable means the triangular portion of a wall enclosing the end of a pitched roof from cornice or eaves to ridge.

Gasoline station means any building, land area, premises, or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. *Gasoline station* shall not include premises where major automobile maintenance activities such as engine overhaul, automobile painting, and body fender work are conducted.

Geologic hazards means unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, wildfire, or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

Grade means:

a. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

b. The degree of rise or descent of a sloping surface.

Grade, finished means the final elevation of the ground surface after development.

Grade, natural means the elevation of the ground surface in its natural state, before man-made alterations.

Grocery store, large means a retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space greater than twenty-five thousand (25,000) square feet. The term *large grocery store* is synonymous with *supermarket*.

Grocery store, small means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than twenty-five thousand (25,000) square feet.

Gross square footage (GSF) means the total floor area designed for occupancy and use, including basements, mezzanines, stairways, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

Group home, developmentally disabled means a group home licensed by the State for the exclusive use of not more than eight (8) developmentally disabled persons and the appropriate staff.

Group home, elderly means an owner-occupied or nonprofit group home for the exclusive use of not more than eight (8) persons sixty (60) years of age or older and the appropriate staff.

a. *Nonprofit group home* means a group home for the aged which is owned and operated by a person or organization as provided by C.R.S. Section 31-23-303.

b. *Owner-occupied group home* means a group home for the aged which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.

Group home, mentally ill means a group home licensed by the state for the exclusive use of not more than eight (8) mentally ill persons and the appropriate staff.

Guest house means an accessory structure which is physically detached from a single-family dwelling unit, is serviced through the same utility meters or connections as the principal use, is intended for temporary occupancy by visitors to the family residing in the single-family dwelling, and has no cooking facilities. See also *accessory building and accessory dwelling*.

Health club means a facility that provides physical fitness services and/or equipment to its members.

Hip roof means a roof having sloping ends and slides meeting at an inclined projecting angle.

Historic district means an area related by historical events or themes by visual continuity or character, or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district by local, state, or federal government and given official status and protection.

Historic site means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state, or federal government and given official status and protection.

Home occupation means an occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit, and is subordinate to the residential use of the dwelling unit.

Homeowners' association (HOA) means the association set up to enforce the covenants and maintain all common areas and buildings for a development, also known as *owners' association*.

Horticulture means the growing of fruits, vegetables, herbs, flowers, or ornamental plants.

Hospital means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training, and central services facilities and staff offices.

Hotel, motel, or lodging establishment means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.

I-25 Corridor and Highway 52 Corridor means the area within one thousand five hundred (1,500) feet of the rights-of-way of Interstate Highway 25 and State Highway 52.

Illumination, direct means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.

Illumination, indirect means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. *Indirect illumination* does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.

Illumination, internal means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

Industrial, heavy means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. *Heavy industrial* shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment, or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, and transport terminals (truck terminals, public works yard, container storage).

Industrial, light means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. *Light industrial* shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, or related industries.

Infrastructure means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other

utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

Integrate means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping), so as to provide a harmonious, interrelated whole, organized, or structured so that constituent parts function cooperatively.

Inter-neighborhood connections means connections (such as trails and roads) between neighborhoods.

Intra-neighborhood connections means connections (such as trails and roads) within the same neighborhood.

Irrigation ditch or canal means a channel designed to transport irrigation water.

Junk means garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials, manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unusable for their original use, but may be used again in present or different form for a new use; discarded or inoperable vehicles, machinery parts and tires; and other materials commonly considered to be refuse, rubbish, or junk.

Junkyard means an industrial use contained within a building, structure, or parcel of land, or portion thereof, used for collecting, storing, or selling wastepaper, rags, scrap metal, or discarded material, or for collecting, dismantling, storing, salvaging, or demolishing vehicles, machinery, or other material and including the sale of such material or parts thereof. *Junkyard* shall not include a recycling facility.

Kennel means a facility licensed to house dogs, cats, or other household pets and/or where grooming, breeding, boarding, training, or selling of animals is conducted as business.

Landowner means any owner of a legal or equitable interest in real property, and includes the heirs, successors, and assign of such ownership interests.

Landscaping means any combination of living plants such as trees, shrubs, plants, vegetative ground cover, or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains, or the like.

Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation, or the preservation, protection and replacement of existing trees.

Laundry and dry-cleaning retail outlet means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.

Lighting, indirect, when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.

Limited indoor recreation facility means a place where recreation activities occur completely within an enclosed structure, including but not limited to bowling alleys, skating rinks, pool halls, video, and pinball parlors.

Limited outdoor recreation facility means a place with outdoor activities, including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges, and go-cart tracks.

Livestock means domestic animals kept or raised for use, pleasure, and/or profit.

Long-term care facility means any of the following:

a. *Convalescent center* means a health institution that is planned, organized, operated, and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.

b. *Intermediate health care facility* means a health-related institution planned, organized, operated, and maintained to provide facilities and services which are supportive, restorative, or preventive in nature, with related social care, to individuals who, because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury, or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.

c. *Nursing care facility* means a health institution planned, organized, operated, and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour-per-day nursing services for illness, injury, or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State. The nursing services shall be organized and maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full time.

Lot means a designated parcel, tract, or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage, coverage, and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

Lot depth means the average distance between the front lot line and the rear lot line.

Lot, double frontage means a lot which fronts on one (1) public street and backs on another.

Lot, flag means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

Lot line, front means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

Lot line, rear means the line opposite the front lot line.

Lot line, side means any lot lines other than the front lot line or rear lot line.

Lot, reverse corner means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot size means the total horizontal area within the lot lines of a lot; synonymous with area of lot.

Lot width means the distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

Machine shop means a workshop where power-driven tools are used for making, finishing or repairing machines or machine parts.

Manufactured home means a single-family dwelling which:

- a. Is partially or entirely manufactured in a factory;
- b. Is at least twenty-four (24) feet wide and thirty-six (36) feet long;
- c. Is permanently affixed to and installed on an engineered permanent foundation;
- d. Has a pitched or cosmetically equivalent roof, and brick or wood exterior siding; and
- e. Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.

Manufacturing means a business which makes products by hand or by machinery.

Medical and dental offices and clinics means an establishment operated by one (1) or more duly licensed members of the human health care professions, including but not limited to physicians, dentists, chiropractors, psychiatrists, and osteopaths, where patients are not lodged overnight but are admitted for examination and/or treatment.

Medical marijuana means any marijuana that is intended for medical use and is grown for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution.

Medical marijuana patient means a person who meets the definition of patient under Article XVIII, Section 14(1)(d) of the Colorado Constitution and applicable law.

Medical marijuana physician means a doctor of medicine as defined in Article XVIII, Section 14(1)(e) of the Colorado Constitution and meeting all requirements of Section 25-1.5-106, Colorado Revised Statutes, as may be amended.

Medical marijuana plant means marijuana plants, seedlings or any part thereof in a living condition that are lawfully cultivated, produced, possessed, or processed pursuant to the provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, the Colorado Medical Marijuana Program, and other applicable laws or regulations governing the cultivation, production, possession or processing of medical marijuana.

Medical use means that use described and defined in Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code and the Colorado Medical Marijuana Program.

Medical marijuana center is defined as a person licensed to operate a business that sells medical marijuana to registered patients or primary caregivers, but is not a primary caregiver.

Medical use of marijuana means the acquisition, possession, production, use, or transportation of marijuana or paraphernalia related to the administration of such marijuana to address the symptoms or effects of a patient's debilitating medical condition, which may be authorized only after a diagnosis of the patient's debilitating medical condition by a physician or physicians, as defined in Colorado Constitution Art. XVIII, Sec. 14.

Medical marijuana center is defined as a person licensed to operate a business that sells medical marijuana to registered patients or primary caregivers, but is not a primary caregiver.

Medical marijuana-infused product means a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures. These products, when manufactured or sold by

a licensed medical marijuana center or a medical marijuana-infused product manufacturer, shall not be considered a food or drug for the purposes of the "Colorado Food and Drug Act", Part 4 of Article 5 of Title 25, C.R.S.

Meeting place and place for public assembly means a hall, auditorium, or other suitable room used for the purpose of conducting meetings of the membership and guests of the owner of such structure. The same shall not include commercial endeavors such as commercial movie picture houses, stage productions, or the like.

Membership club means an association of persons, whether incorporated or unincorporated, for some common purpose, excluding groups organized primarily to render a service carried on as a business, a not-for-profit club, and churches or places of worship or assembly.

Microbrewery shall mean a facility that produces no more than fifteen thousand (15,000) barrels per year of fermented malt beverages on site. Microbrews may sell their products off-site, but must also include a taproom in which guests/customers sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

Microdistillery shall mean a facility that produces no more than fifteen thousand (15,000) gallons per year of spirituous beverages on site. Microdistilleries may sell their products off-site, but must also include a tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

Microwinery shall mean a facility that produces no more than two hundred and fifty thousand (250,000) gallons per year of vinous beverages on site. Microwineries may sell their products off-site, but must also include a tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

Mini-storage warehouse means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased to the general public for private storage of personal goods, materials, and equipment.

Mixed use shall mean the development of a lot, tract, or parcel of land, building, or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service, or entertainment uses, designed, planned, and constructed as a unit.

Mixed-use building means a building designed, planned, and constructed as a unit, used partially for residential use and partly for commercial uses, including but not limited to office, retail, public uses, personal service, or entertainment uses.

Mixed-use dwelling unit means the dwelling unit in a mixed-use building. For purposes of calculating residential density, each dwelling unit shall count as one-half (1/2) dwelling unit.

Mobile home means a single-family dwelling unit partially or entirely manufactured in a factory, built on a permanent chassis, and designed to be transported on streets to the place where it is to be occupied as a dwelling unit. A mobile home shall conform to the following design and installation standards:

- a. Is at least twenty-four (24) feet wide and thirty-six (36) feet long;

- b. Is permanently affixed to and installed on an engineered, permanent perimeter foundation;
- c. Has a pitched or cosmetically equivalent roof and brick or wood exterior siding; and
- d. Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.

Model home means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but not occupied as a residence while being used as a model home.

Model plans means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement, and building massing (form and structure).

Modified grid pattern means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints, and peripheral open space areas.

Mullion means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects or, also, a vertical member between the lights of a window.

Multiple-family dwelling means a dwelling containing three (3) or more dwelling units, including what is commonly known as an apartment building, but not including group, row or townhouses, or hotels, motels, condominiums, fraternity and sorority houses, and similar group accommodations.

Municipality means an incorporated city or town.

Muntin means a rabbeted member for holding the edges of windowpanes within a sash.

Natural areas means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter (1/4) acre in size.

Neighborhood means a geographical area, the focus of which is residential uses, but also may include a mixture of activities that people need to live. A neighborhood may include a diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.

Neighborhood commercial center means a shopping center which contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter-mile radius).

Nightclub means a bar or tavern containing more than one hundred (100) square feet of dance floor area.

Nonconforming building means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.

Nonconforming use means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

Off-street parking area means all off-street areas and spaces designed, used, required, or intended to be used for the parking, storage, maintenance, service, repair, display, or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a recreational vehicle, boat, or truck storage use, storage areas for landscaping, and other bulk items or public streets and rights-of-way.

Oil and gas operation means any structure, facility, or activity which is constructed on or disturbs land in association with oil or gas drilling, production, or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress, and pipelines.

Oil or gas well means a well, the principal production of which at the mouth of the well is oil or gas.

Old Town means the original Town of Frederick located south of First Street, west of Maple Street, north of Eighth Street and east of Main Street.

Open air farmers market means an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths on-site.

Open space means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas, wildlife habitat, agricultural areas, and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological, or historical significance. *Open space* shall not be considered synonymous with vacant or unused land, but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.

Optional premises means the premises specified in an application for a medical marijuana center license with related growing facilities in Colorado for which the licensee is authorized to grow and cultivate marijuana for a purpose authorized by Section 14 of Article XVIII of the State Constitution..

Outdoor display means the display of products for sale outside a building or structure in areas which customers have access to, including vehicles, garden supplies, tires, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards. *Outdoor display* areas in vehicular parking areas shall not impede access, encroach into the required setbacks, or reduce the number of required parking spaces.

Outdoor storage means the keeping, outside a building, of any equipment, goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites. *Outdoor storage* shall not include the storing of junk or the parking of inoperable motor vehicles.

Outlot means a measured piece of land contained within subdivided land that is not a building lot. An *outlot* may be conveyed to the public for open space or other public

purposes, be retained by the developer for later subdivision, or be conveyed to an owners association.

Owner means the person or entity that owns the property under consideration.

Parapet means a low, protective wall at the edge of a terrace, balcony, or roof, especially that part of an exterior wall, fire wall or party wall that rises above the roof.

Parcel means a tract or plot of land.

Park means an area open to the general public and reserved for recreational, educational, or scenic purposes.

Parking garage means an off-street parking area within a building.

Parking lot means an off-street parking area or vehicular use area.

Pedestrian scale (human scale) means the proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

Pergola means a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work, over which climbing plants are trained to grow.

Permanent monument means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Personal and business service shops means shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments, such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing and copy shops excluding publishing and engraving.

Pervious surface means a surface that allows precipitation to infiltrate directly into the ground.

Phase means a portion of property that is being platted and engineered for development at the same time.

Pilaster means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.

Plan means the map and supporting documentation for a development, which includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas, and conservation areas in accordance with the requirements of this Code.

Planned unit development (PUD) means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries, and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

Planning area boundary means the area surrounding the Town that the Town will consider annexing and developing. The planning area boundary is delineated on the *Town of Frederick Comprehensive Plan Land Use Map*.

Plant nursery and greenhouse means any land or structure used primarily to raise trees, shrubs, flowers, or other plants for sale or for transplanting.

Plat means a map of certain described land prepared in accordance with the requirements of this Code and C.R.S. Section 38-51-106 as an instrument for recording of real estate interests with the County Clerk and Recorder.

Primary caregiver means a person who meets the definition of primary caregiver under Article XVIII, Section 14(1)(f) of the Colorado Constitution and applicable law.

~~*Primary caregiver* means a person, other than the patient and the patient's physician, who is eighteen years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition. HB 10-1284 allows a primary caregiver to grow/sell marijuana for up to five patients. Primary caregivers shall be licensed with the local licensing authority and State pursuant to the Colorado Medical Marijuana Code.~~

Primary residence means the place that a person, by custom and practice, makes his or her principle domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and consumption of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one primary residence. A primary residence shall not include accessory buildings.

Prime farmland means land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor and without intolerable soil erosion, as determined by the Secretary of Agriculture. *Prime farmland* includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.

Principal use means the main use of land or of a structure as distinguished from a subordinate or accessory use.

Print shop means an establishment in which the principle business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving, excluding businesses providing copy services and that fall under *Personal and business service shops*.

Private school means a school that is established, conducted, and primarily supported by a nongovernmental agency.

Professional office means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

Proof of ownership means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State.

Property means all real property subject to land use regulation by the Town.

Property line means the boundary of any lot, parcel, or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.

Property rights mean the rights a property owner within the Town has to use his or her property within the legal parameters set forth in this Code.

Public areas means streets, parks, open spaces, and other property designated or described as for public use on a map or plat of the Town and fee title is vested in the Town, other public body, or a special district as defined in C.R.S. Section 32-1-10.

Public facilities means those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police, and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

Public hearing means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions. Notice of a public hearing shall be posted/published fifteen (15) days prior to the hearing.

Public improvement means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement, or other facility which benefits the public.

Public open space means an open space area conveyed or otherwise dedicated to the municipality, state, county, or other public body for recreational or conservation uses. Public open spaces are to be unencumbered by any nuisance or hazards to the public.

Public school means a free, tax-supported school that is controlled and operated by or contracted with the St. Vrain Valley School District.

Public use means a use which is owned by and operated for the public by the Town, County, state, or federal governments, school districts, recreation district, or other special district as defined by Title 32 of the Colorado Revised Statutes.

Public utility means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service, or similar public services, but shall not include railroads, other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

Quasi-public means having the nature or characteristics of being public, but owned by a private or not-for-profit entity.

Raw water means water rights acceptable to the Town for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.

Recreational vehicle (RV) means any vehicle which may be used for recreation or personal purposes and shall include, but not be limited to, a boat, motor home, camper trailer, detached camper or detached trailer of any design, whether commercially manufactured or homemade. *Recreational vehicle* includes any trailer used to transport any recreational vehicle(s). Additionally, the following shall be considered a *recreational vehicle*:

a. *Camping trailer or tent trailer* means a folding structure, constructed of canvas, plastic, or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.

b. *Motorized camper, motor home, recreational conversion van or bus* means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation, and vacation uses, and constructed as an integral part of a self-propelled vehicle.

c. *Pick-up camper* means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.

d. *Tent* means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic, or similar materials.

e. *Travel trailer* means a towed vehicle designed as a temporary dwelling for travel and recreation.

f. *Travel trailer, self-contained* means a trailer which can operate independently of connections to sewer, water, and electric systems. It contains a water-flushed toilet, lavatory, shower or bath, and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

Recreational vehicle park means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

Recreational vehicle storage facility means a parcel of land specifically developed for locating, storing, displaying, or selling recreational vehicles.

Recreational vehicle site means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Recycling facility means a building used for the collection and/or processing of recyclable material. *Processing* shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

Registry identification card means that document, issued by the State Department of Public Health, which identifies a patient authorized to engage in the medical use of marijuana and such patient's primary care-giver, if any has been designated.

Research laboratories means a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

Resource extraction, processes, and sales means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. The term shall also apply to any processing or reprocessing, packaging, or sale of renewable energy through passive or active means, including but not limited to solar, wind, and hydro-turbine power generation, processing or storage.

Restaurant, drive-in or drive-through means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

Restaurant, fast food means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics.

- a. Food and beverages are usually served in paper, plastic or other disposable containers;
- b. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, or for carry-out; and
- c. Drive-through facilities are allowed, subject to review of traffic patterns, vehicle stacking areas, and entrance and exit locations.

Restaurant, standard means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- b. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

Also see definitions and regulations for brewpubs, microbreweries, microdistilleries, microwineries, breweries, wineries, and distilleries.

Resubdivision or replat means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

Retail establishment, large means a retail establishment, or any combination of retail establishments in a single building, occupying more than twenty-five thousand (25,000) gross square feet of floor area, devoted to the sale or rental of goods, including stocking, to the general public for personal or household consumption or to services incidental to the sale or rental of such goods, except that no *supermarket* shall be deemed to be a large retail establishment.

Retail establishment, small means an establishment, or any combination of retail establishments in a single building, occupying twenty-five thousand (25,000) or less gross square feet of floor area devoted to the sale or rental of goods, including stocking, to the general public for personal or household consumption or to services incidental to the sale or rental of such goods.

Retention basin means a pond, pool, or basin used for permanent storage of water runoff.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other

use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

Roof, gable means a roof sloping downward in two (2) parts from a central ridge, so as to form a gable at each end.

Roof, hip means a roof having sloping ends and sides meeting at an inclined projecting angle.

Rural road means a street designed following the rural local cross-section as described in approved version of the Town of Frederick Design Standards and Construction Specifications.

Sanitary facilities means toilets, urinals, lavatories, showers, utility sinks, and drinking fountains, and the service buildings containing these units.

Sanitary waste station means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.

School means any building or part or any building used for instructional purposes to provide elementary, secondary, post-secondary, or vocational education. *School* does not include "child/day care centers" but includes the following more specific uses: *public school, private school, business, vocations, and trade schools.*

Searchlight means an apparatus used to project a beam of light.

Senior housing means housing intended and operated for occupancy by persons fifty-five (55) years of age or older as further defined by the US Fair Housing Act and Housing for Older Persons Act of 1995.

Service building means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.

Setback means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located.

Setback, front yard means the distance a building or structure must be placed from the front lot line.

Setback, rear yard means the distance a building or structure must be placed from the rear lot line.

Setback, side yard means the distance a building or structure must be placed from the side lot line.

Shooting range means an area or structure specially designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice. Excluded from this use shall be general hunting and discharging of firearms on private property with the property owner's permission as prohibited by Municipal Code Section 10-224.

Shooting range, indoor means an indoor area designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes, skeet, trap, or other similar materials to facilitate target practice. Excluded from this use shall be general hunting and discharging of firearms on private property with the property owner's permission as prohibited by Municipal Code Section 10-224.

Shooting range, outdoor means the use of land designed for the safe discharge of archery, rifles, shotguns, handguns, or any other firearm or similar device for the purpose of sport shooting or military/law enforcement training. The range may use silhouettes,

skeet, trap, or other similar materials to facilitate target practice. Excluded from this use shall be general hunting and discharging of firearms on private property with the property owner's permission as prohibited by Municipal Code Section 10-224.

Shopping center means a group of retail and service establishments located in a complex which is planned, developed, owned, or managed as a unit, with off-street parking provided on the property.

Sidewalk means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

Sight distance triangle means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. Further definition is provided in the approved version of the Town of Frederick Design Standards and Construction Specifications.

Sign, canopy means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

Sign, projecting means any sign supported by a building wall and projecting therefrom.

Sign, wall means any sign painted on, incorporated in, or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

Sign, window means a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.

Significant wildlife habitat and migration corridors are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source (www.ndis.nrel.colostate.edu) as areas of landscape that provide food, cover, and water sufficient to meet the needs of a given species to survive and reproduce.

Site plan means a scale drawing of a lot, showing the actual measurements, the size and location of any existing and/or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations, and easements.

Site specific development plan means the final plat of a subdivision or final development plan of a PUD (Planned Unit Development) when approved by the Board of Trustees pursuant to Article 5 of this Code.

Special school means places of education for all types of activities including martial arts, dance, instruction to play a musical instrument, or other similar personal skill instruction.

Special use means a use which follows the process of an administrative application, but that has special requirements that must be met in order for consideration of approval. Article 9 outlines the specifications for a special use.

Split garages means having at least two (2) separate garages that are oriented in different directions.

Street means a public thoroughfare which affords the principal means of access to abutting property.

Street furniture means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains, and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas, and other outdoor spaces open to and used by the public.

Streetscape means the distinguishing character of a particular street within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture, and signage.

Structure means a combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

Subdivider or developer means any person, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a development.

Subdivision means the platting of a lot or the division of a lot, tract, or parcel of land into two (2) or more lots, plots, or sites.

Subsidence means a local mass movement that involves the downward settling or sinking of the solid earth's surface. Subsidence may be due to natural geologic processes or man's activity such as coal mining.

Supermarket means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not less than twenty-five thousand one (25,001) square feet.

Swing-in garage means a garage that is oriented so that the garage doors are perpendicular to the street.

Tandem garage means a garage that allows for the parking of one (1) car in front of another.

Tandem parking means parking two (2) cars in a driveway or parking space so that one (1) car is right in front of the other and the front car cannot move until the back car is moved.

Tavern means an establishment providing or dispensing fermented malt beverages and/or malt, special malt, vinous, or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.

Temporary use means a prospective use intended for limited duration and to be located in a zoning district that may or may not permit such use, and shall not include continuing a nonconforming use or building.

Title commitment means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way, or liens.

Tourist facility means an establishment set up to primarily provide local tourist information to visitors.

Town of Frederick Comprehensive Plan means the plan which was adopted by the Planning Commission and Board of Trustees in accordance with C.R.S. Section 31-23-206, to guide the future growth, protection, and development of the Town, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety, and general welfare of its population.

Transit facilities means facilities such as bus stops, bus terminals, transit stations, transfer points, or depots.

Tree lawn means a strip of landscaping within the right-of-way, generally between the roadways and an adjacent sidewalk.

Trip means a single or one-way vehicle movement to or from a property or study area. Trips can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Truck stop means an establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews.

Undermining means land that has been mined under the surface of the ground.

Usable form of marijuana means the seeds, leaves, buds, and flowers of the plant (genus) cannabis, and any mixture or preparation thereof, which are appropriate for medical use as provided in Colorado Constitution Art. XVIII, Sec. 14, but excludes the plant's stalks, stems, and roots.

USGS datum means the United States Geological Survey basis of elevations.

Vacant land means land that does not have development on it.

Vegetation means plants growing in a place, including but not limited to trees shrubs, vines, grasses, and groundcover.

Vested property right means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, pursuant to Article 5 of this Code.

Veterinary facilities, small animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

Veterinary facilities, large animal clinic means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are not limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

Veterinary hospital means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases.

Walkable means a distance of one-quarter (1/4) mile or within a five- to ten-minute walk.

Walkway means:

a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.

b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

Warehouse and distribution means a use engaged in storage, wholesale, and distribution of manufactured products, supplies, or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of

materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Warehousing means a business which stores or stocks merchandise or commodities.

Winery shall mean an industrial use with appropriate state liquor licensing that is primarily a manufacturing facility that produces more than one hundred thousand (100,000) gallons per year of vinous beverages on site. Wineries may, but are not required to, include a tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses with appropriate liquor licensing.

Wireless telecommunication equipment means any equipment used to provide wireless telecommunication service, which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground-mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

Wireless telecommunication facility means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

Wireless telecommunication services means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, personal communication services, or cellular telephone.

Workshop and custom small industry means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects, or other similar uses.

Yard means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

Yard, front means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

Yard, rear means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

Yard, side means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

Zone district means an area that is governed by standardized zoning regulations as established in Article 3.

Zoning map means the official zoning map adopted by the Town by ordinance, as amended. (Ord. 1145 §§ 1, 2 (Exh. A), 2013; Ord. 1167 §§ 1, 2 (Exh. A), 2014)

3.4 Matrix of Permitted, Conditional, and Special Uses by Zoning District

1. General application of uses.

a. P – Permitted Principal Use

Uses designated as "permitted uses" are allowed in a zone district as a matter of right.

b. C – Permitted Conditional Use

Uses classified as "conditional uses" may be permitted upon the Planning Commission's recommendation of approval of a conditional use permit. A public meeting and final consideration by the Board of Trustees is required.

c. S – Special Use

Uses classified as a "special use" are permitted upon Administrative approval through a special review.

d. Blank Cell

Unless a use is designated as a "permitted use" or "conditional use" or is classified as a legal "nonconforming" structure or use, it is not permitted. Land uses not otherwise identified in this Code may be proposed for development. In order to provide for such uses, the classification of any new or unlisted land use shall be made by the Board of Trustees to determine if the use can be reasonably interpreted to fit into a similar use category described in this Code. Unless such determination is made, the use is not permitted.

e. The numbers of additional regulations shown in the right-hand column relate to regulations that can be found following the Table of Permitted Uses. These standards are in addition to the general criteria applicable to all uses and to the general development and subdivision standards stated in Articles 2 and 4, respectively.

Table 3-1

Table of Permitted Uses

Any use not permitted in a zone either specifically or by interpretation by the Board of Trustees per Section 3.4(a) is hereby specifically prohibited.

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
RESIDENTIAL USES																	
Accessory buildings and accessory uses.	P	P	P	P	P	P	P			P	P	P	P	P	P	P	(17)
Accessory dwelling when associated with a permitted use.	P	P	P	P										C	C		(1), (2)
Group homes.	P	P	P	P	P					P		P	C				(3), C-E: (13)
Multi-family.					P			P	P			C	C				(4), C-E: (13)
Manufactured homes.						P	P										
Mixed use dwelling units.								P	P	P	P	P	P	P			C-E: (13)
Senior Housing.		P	P	P	P	P	P						P				C-E: (13)
Single-family detached dwellings.	P	P	P	P			P		C								
Single-family attached dwellings.				P	P				P			C	C				C-E: (13)
Two-family and multi-family dwellings.				P	P								C				(5), C-E: (13)
INSTITUTIONAL/CIVIC/PUBLIC USES																	
Cemeteries.	C	C														P	
Church or place of worship and assembly.																	
1. With seating capacity of less than 600 persons in the sanctuary or main activity area.	C		P	P	P		P	P	P	P	P	P	C	C	C		(19)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
2. With seating capacity of more than 600 persons in the sanctuary or main activity area.	C		C	C	C		C	P	P	P	P	P	C	C	C		(19)
Community facilities.		C	C	C	C		C			P	P	C	P	P	P	P	C-E: (13)
Golf Courses.	P	C	C	C	C		C			C	C	C	C	C	C	P	
Parks and Open Space.	P	P	P	P	P		P			P	P	P	P	P	P	P	
Schools for kindergarten, elementary, intermediate and high school education.																	
1. Public.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2. Private.	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(8)
Public and private schools including colleges, vocational training, and technical training.										P	P	C	P	P	C	C	
Public facilities.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C-E: (13)
Special schools.										P	P	P	P	P	C		
Transit facilities with repair or storage.													C	C	P		(8)
Transit facilities without repair or storage.										P	P	P	P	P	P	P	(8)
BUSINESS/COMMERCIAL/RETAIL USES																	
Adult uses, including product sales and entertainment.															C		(8)
Archery Range																	
1. Indoor	P											P	P	P	P		
2. Outdoor	C																

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Artisan and photography studios and galleries.										P	P	C	P	C	C		C-E: (13)
Assisted living facility					C					P		C	P				
Auto, RV, boat and truck sales.											C	C	C	C	C		(15)
Auto, RV, boat and truck storage.														C	P		(6)
Automotive repair.																	
1. Major.											C			P	P		(8)
2. Minor.											P	P		P	P		(8)
Bars and taverns.										C	P	C	P	P	C		(8), C-E: (13), (2825)
Bed and breakfasts.			P	C	C			P	P	C	P	P	C				C-E: (13)
Brewery, Winery, Distillery.														P	P		(2622), (2825)
Boarding and rooming houses.					C					P		C	P				
Car washes.										C	P	P		P	P		(8)
Child care centers.	C				C					P	P	P	P	C	C		C-E: (13)
Child care, in-home.	P	P	P	P	P	P	P										
Clubs and lodges.										C	P	C	P	P	P		C-E: (13)
Crematorium													P	P	P		
Entertainment facilities and theaters.								P	C	C	P	C	P	C	C		
Equipment rental establishments.										P	P	P		P			(6)
Financial institutions.										P	P	P	P				(8), (9)
1. Automatic teller machines (ATMs).																	Off-site, drive-up ATM facility not located on same

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
																	lot as principal use requires site plan review and compliance with (8) and (9).
Food catering.										P	P	P	P	P			C-E: (13)
Food product production, small.										P	P	P	P	P			
Funeral homes.								P			P	P	C	C			C-E: (13)
Gasoline stations.										C	P	P		P	P		(8)
Grocery store (small).										P	P	P		C			
Health and membership clubs.										P	P	P	P	P	P		C-E: (13)
Home occupations.	P	P	P	P	C	P	P	P	P	P	P		P				(16)
Hospitals.											C	C	P	P	C	C	(7)
Hotel, motel, or lodging establishments.								P	C	C	P	P	P	C			
Kennels – small animal boarding.	P	C								C	P	C	P	P	C		(8, 18)
Limited indoor recreation facilities.								P	C	P	P	P	P	C		P	(8)
Limited outdoor recreation facilities.	C	C	C	C	C					C	C	C		C	C	P	C-E: (13)
Long-term care facilities.					C					C	P	P	C	C			
Marijuana grow facility																	
Marijuana retail operation																	
Medical and dental offices and clinics.								P	P	P	P	P	P	C			(7)
Medical marijuana operations.	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	(20)
Medical marijuana primary.																	

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
caregiver (5 or fewer patients)- <u>Medical Marijuana: Primary Caregiver</u>																	
1. <u>5 or fewer patients. Up to 6 plants</u>	P	P	P	P	P	P	P	P	P			P					(21), C-H52; (22) D-A and D-B; (20)
2. <u>More than 5 patients. More than 6 plants (effective through December 31, 2016)</u> <u>Medical Marijuana: Patient</u> <u>1. Up to 6 plants</u> <u>2. More than 6 plants</u> <u>Medical Marijuana: Recreational – 6 plant limit</u>										G					P		(23)
3. <u>More than 6 plants, but no more than 99 plants (effective January 1, 2017)</u>															C		
<u>Medical Marijuana: Patient</u>																	
1. <u>Up to 6 plants</u>	P	P	P	P	P	P	P	P	P								D-A and D-B; (20)
2. <u>More than 6 plants</u>															C		
3. <u>More than 6 plants, but no more than 99 plants (effective January 1, 2017)</u>															C		
<u>Marijuana: Recreational – Up to 6 plants</u>	P	P	P	P	P	P	P	P	P								D-A and D-B; (20)

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PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Meeting place.										P	P	P	P				
Microbreweries, Microdistilleries, and Microwineries.								C	C	C	C	C	C	P	P		(2522), (2825)
Nightclubs.											C	C	C	C			(8)
Open air farmers' markets.	P							P		P	P	P		C	C		(8)
Parking lots and parking garages as principal use.											C	C	P	P	P		(8)
Personal and business service shops.								P	P	P	P	P	P	C			C-E: (13)
Plant nurseries and greenhouses.	P										P	P	P	P	P		C-E: (13)
Print shops.												P	P				C-E: (13)
Professional offices, financial services.								P	P	P	P	P	P	P			(9)
Restaurants.								P	P	P	P	P	P	P	C		(8), C-E: (13), (2825)
1. Restaurants with outside eating area.								P	P	P	P	P	P				(8)
2. Restaurants with drive-in facilities.										C	C	C	C	C	C		(8), (9)
3. Restaurants with drive-through facilities.											C	C	C	C	C		(8), (9)
Retail/Commercial establishments (small).								P	P	P	P	P	P				
Retail/Commercial establishments (large).											P	P	P				
Retail and supply yard facilities.											C	C		C	P		(6)
Seasonal Sales.								P		P	P	P	P				(2421)
Shooting Range																	

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
3-4 Indoor	P											P	P	P	P		(8)
4-5 Outdoor	C																(2926)
Supermarkets.											P	P	P				
Tourist facilities										P	P	P		P		P	
Veterinary facilities, small animal clinics.	P									P	P	P	P	P	P		(8)
Veterinary facilities, large animal clinics.	P													P	C		(8)
Veterinary hospitals.												C		C	C		(8), C-E: (13)
INDUSTRIAL USES																	
Dry-cleaning plants.															C		
Mini-storage warehouse.											C	C		C	P		(6)
Gas, oil and other hydrocarbon well drilling and production (as permitted by state and local regulations).	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Article 9
Heavy industrial uses.															P		(6)
Light industrial (production, assembly and packaging).												C	P	P	P		(6), C-E: (13)
Machine shop.														P	P		
Manufacturing and preparing food products.															P		
Manufacturing, assembly or packaging of products from previously prepared materials.													P	C	P		(6), C-E: (13)
Manufacturing of electric or electronic instruments and devices.													P	C	P		C-E: (13)

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Plumbing, electrical and carpenter shops.														P	P		(6)
Recycling facilities.															C	C	(6)
Research, experimental or testing laboratories.												C	P	C	P		C-E: (13)
Resource extraction, processes and sales establishments.	C														C	C	(6)
Sales and leasing of farm implements, heavy equipment, mobile/ manufactured homes, and heavy excavation equipment.															C		(6)
Warehouse, distribution and wholesale uses.														P	P		(6)
Wireless telecommunications equipment.										P	P	P	P	P	P	P	C-E: (13), (14)
Wireless telecommunications facilities.													C	C	C		C-E: (13), (14)
Workshops and custom small industry.											C	P	P	P	P		C-E: (13)
AGRICULTURAL USES																	
Agritainment.	C																
Animal boarding.	P																
Agricultural activities.	P	P															(10)
Backyard chickens.		P	P	P													(2724)
Common equestrian stabling and grazing.	P	P															(10, 11)
Structures for storage of	P																

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
agricultural products produced on the premises.																	

2. Specific Use Standards

a. General

(1) How to Use this Section

The use standards stated in Section 3.4.b below apply to specific permitted principal uses and correspond to the numbers shown in the "Additional Regulations" column in Table 3-1, Table of Permitted Uses. For example, if the number "1" appears in the Additional Regulations column of the Table, then the specific use standards stated in Section 3.4.b below apply.

(2) Standards are Supplemental

As applicable, the specific use standards stated in Section 3.4.b below are in addition to the general criteria applicable to all uses and to the general development and subdivision standards stated in Articles 2 and 4, respectively. In the case of any conflict between a specific use standard in Section 3.4b below and a general development standard as stated in other provisions of the Land Use Code, the specific use standard in Section 3.4b below shall apply unless otherwise expressly provided.

b. Specific Use Standards

(1) Accessory dwelling units are limited to the following dimensions:

(a) In the Agriculture and Estate Residential Zoning Districts:

- i. Minimum floor area of five hundred (500) square feet.
- ii. Maximum floor area of one-half (1/2) the total floor area of the

primary residence.

(b) In the R-1 and R-2 Zoning Districts:

- i. Minimum floor area of five hundred (500) square feet.
- ii. Maximum floor area of one thousand (1,000) square feet.

(2) Only one accessory dwelling unit is allowed per lot.

(3) Group homes are limited to a maximum of eight (8) developmentally disabled persons, handicapped individuals, children or senior citizens.

(4) Number of multi-family units is limited to twenty-four (24) units per building.

(5) No more than eight (8) units per building.

(6) Outdoor storage, enclosed mini-storage facilities and/or auto, RV, boat and truck storage standards.

(a) All storage facilities should be located in areas with limited development opportunities, such as oil and well setbacks, areas of subsidence or areas with other physical land constraints that limit the development of structures.

(b) All storage, equipment and refuse areas shall be concealed from view from less intensive land uses, residential areas, abutting public rights-of-way and trails or trail corridors.

(c) All storage facilities shall be concealed through the use of a solid fence or wall that shall not have an uninterrupted length exceeding fifty feet (50'). The maximum height of the fence shall be eight feet (8'). Pilasters, brick, texture transitions and stepping of the fence planes are required. The use of additional landscaping (including plant materials and berming) that provides year-round screening of a sufficient height to further conceal all stored materials is required to prevent visual impacts on neighboring businesses, residential uses and the streetscape.

(d) Storage shall not be permitted within any applicable setback, public right-of-way or in landscaped areas.

(e) A minimum of twenty-five percent (25%) of the site must be maintained in live landscaped area.

(f) A fifty-foot (50') landscaped buffer is required along all perimeter streets if storage is adjacent to the right-of-way.

(g) A minimum five-eighths-inch (5/8") water tap must be purchased to serve the lot.

(h) A mechanism for long-term maintenance of all fencing is required (i.e., owners' association or covenants).

(i) Storage facilities shall not be located within a three-mile (3) radius of an existing facility within the Town of Frederick or in another jurisdiction.

(j) All buildings must utilize three (3) different types of building materials resulting in significant variation in the building facades. The building materials used for buildings, roofs, and other structures shall be compatible with the desired character of the zone.

(k) Outdoor loudspeaker systems are prohibited.

(7) Heliports and helipads are a permitted accessory use to hospitals, medical clinics, and medical centers.

(8) Residential protection standards

(a) Purpose. The purpose of these standards is to promote the public health, safety, and welfare by protecting existing residential uses and established residential neighborhoods from the potentially adverse visual, noise, light, traffic, and other impacts arising from the development of new commercial, retail, industrial, or institutional/civic uses in close proximity. Accordingly, these standards seek to create a "transition area" between the edges of nonresidential and residential zoning districts and uses.

(b) All required minimum distances set forth shall be measured from the nearest property line of one designated location to the nearest property line of the other designated location along a straight line extended between the two points without regard to intervening structures.

(c) Limitations on Permitted Uses. Notwithstanding the provisions of Article 3 Section 4 of this Chapter, including Table 3-1, Table of Permitted Uses, the following uses shall not be established or developed within the distance specified below of an existing residential use or of a residential zoning district. Residential zoning districts, for the purposes of this standard, shall include residential portions of a mixed-use development not located on the same lot as a non-residential use. Nothing in this subsection shall be interpreted to prohibit a lawfully operating use listed below from continuing its operation, if subsequent to the listed use's establishment, a residential use or zone district, or other protected use, is established or locates within the distances specified below.

i. Automobile Service Stations--No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;

ii. Bars, taverns, and nightclubs--No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;

- iii. Bus, Railroad, or Public Transit Terminal--No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;
 - iv. Indoor Shooting Range--No closer than two hundred fifty (250) feet.
 - v. Kennels – No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;
 - vi. Liquor Stores--No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;
 - vii. Motor Vehicle Sales and Rentals--No closer than two hundred fifty (250) feet, excluding residential uses located in a non-residential zoning district;
 - viii. Motor Vehicle Repair and Maintenance
 - 1. No closer than two hundred fifty (250) feet for completely enclosed operations, excluding residential uses in a nonresidential zoning district;
 - 2. No closer than five hundred (500) feet for any outdoor repair and maintenance activity;
 - ix. Motor Vehicle Painting and Bodywork--No closer than two hundred fifty (250) feet for completely enclosed operations and no closer than five hundred (500) feet for any outdoor activity;
 - x. Outdoor Sales, Repairs, and Activities--No closer than two hundred fifty (250) feet, excluding residential uses in a non-residential zoning district, except outdoor seating and food service areas for eating/drinking establishments as allowed in subsection 8(d) below;
 - xi. Private Airports--No closer than one thousand (1,000) feet;
 - xii. Restaurants with Drive-In Facilities--No closer than two hundred fifty (250) feet excluding residential uses in a non-residential zoning district; and
 - xiii. Transportation Depots, Trucking Terminals, and Distribution Centers--No closer than five hundred (500) feet, excluding residential uses in a non-residential zoning district;
 - xiv. Adult uses--No closer than one thousand (1,000) feet.
 - xv. Cultivation of medical marijuana by a primary caregiver or a patient with legal authorization from the State to cultivate, produce, possess or process more than six medical marijuana plants, which is limited to the Industrial (I) zoning district – No closer than five hundred (500) feet.
- (d) Development & Operational Standards. All new development subject to this subsection shall comply with the following development standards. These standards are in addition to applicable use and development standards stated in this Article and Article 2.
- i. Applicability. Except for uses more specifically limited in subsection 8.b above, the following residential protection standards apply to the specified use only when the proposed use is located either in a residential zoning district, or within 250 feet of a residential zoning district.
 - ii. Conflicting Provisions. When the provisions of this subsection conflict with the provisions found in other sections of this Development Code, the more restrictive provision shall apply.
 - iii. Operational Standards.

1. Amplification of music, entertainment, or other noise emanating from the use that exceeds the noise standards in Chapter 10-198 of the Municipal Code shall not be allowed.

2. The operator or owner shall control all litter generated by the use.

3. Seating and food service may be provided on an outside patio or enclosure of a restaurant use, provided the patio or enclosure is no more than one-third the gross floor area of the principal use. Outdoor seating and food service must close by 10:00 p.m. Outside activity shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m., and no delivery, loading, privately-contracted trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the Applicant submits evidence that such operations comply with the noise standards in Chapter 10-198 of the Municipal Code.

(e) Parking, Access, and Circulation Standards. The off-street parking area for the use shall be a minimum of 15 feet from the lot line of adjacent properties zoned for residential purposes. The parking area shall be landscaped according to Article 2 Section 14 and screened to prevent glare from vehicle headlights from intruding on adjacent residential properties.

(f) Review of Uses Subject to this Subsection.

i. Uses Permitted By-Right ("P").

1. Subject to Special Review Procedure. Uses subject to these residential area protection standards that are otherwise permitted by-right ("P") shall be reviewed according to the procedure stated in Article 4, "Site Plan," of this Land Use Code. At the Planning Director's discretion, based on consideration of the proposed use's potential impacts on nearby residential uses, full conditional use review may be required.

2. Review Criteria. All by-right uses subject to this provision shall be approved, approved with conditions, or denied based on their compliance with both the standards stated in this subsection for residential area protection, and the general review criteria and standards applicable to a Site Plan.

3. Conditional Uses. Uses subject to these residential area protection standards that are permitted as conditional uses ("C") shall be reviewed and approved according to Article 4 Section 9, "Conditional Uses." Approval or denial of the use shall be based on its compliance with both the standards stated in this subsection for residential area protection, and the general and applicable specific review criteria and standards stated in Article 4 Section 9.

(9) Vehicle stacking standards

(a) The development and design standards of this subsection shall apply to all drive-in (drive-through) facilities and other auto-oriented uses unless otherwise expressly approved by the Planning Director:

i. Minimum Number of Vehicle Stacking Spaces: Off-street stacking spaces shall be provided as follows:

Table 3-2		
Activity Type	Minimum Stacking Spaces	Measured From: [1]
Bank teller lane	4	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-through	6	Order Box

Table 3-2		
Activity Type	Minimum Stacking Spaces	Measured From: [1]
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	4	Entrance
Car wash stall, self-service	3	Entrance
Funeral home/mortuary	4	Primary Passenger Loading Area for Processions
Other	4	Pick-Up Window
Note [1]: Measured so that the driver's side window is centered on the teller, order box, or window, as applicable.		

- ii. Design and Layout. Required drive-through lanes and facilities and vehicle stacking spaces are subject to the following design and layout standards:
1. Vehicle Stacking Spaces.
 - a. Size. Vehicle stacking spaces must be a minimum of nine (9) feet by twenty (20) feet in size.
 - b. Location. Stacking spaces may not impede on- or off-site traffic movements, nor impede movements into or out of off-street parking spaces.
 - c. Design.
 - (1) Stacking spaces shall be separated from other internal driveways by raised medians if the Town Engineer deems the median necessary for traffic movement and safety.
 - (2) Vehicle stacking areas adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.
 2. Drive-In (Drive-Through) Facilities and Lanes.
 - a. Location and Screening.
 - (1) Drive-in facilities (order stations, pick-up windows, bank teller windows, money machines, etc.) shall be located on the side or rear of principal structures to minimize their visibility from public streets.
 - (2) To the maximum extent practicable, drive-in lanes shall not be located between the primary structure and adjacent public streets or sidewalks. If this is not possible, drive-in lanes and facilities shall be set back a minimum of twenty (20) feet from any adjacent public street or sidewalk. The entire twenty foot (20') setback must be landscaped and bermed to screen the drive-in lane and facility from adjacent streets.
 - (3) Drive-in lanes adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.
 - (4) Car wash facilities and gas station auto service bays shall be located on the side or rear of principal structures to minimize their visibility from public streets.
 - (5) In addition to any buffering required by Article 2, drive-in lanes adjacent to residential uses shall be separated from such uses by an opaque wall at least six (6) feet high, located so that required buffer landscaping is between the wall and the adjacent residential use.
 - (10) Animals within corrals must be at least one hundred feet (100') from any residence or retail sales building that exists. If a residence or retail sales building is

constructed on the property, the corral must be relocated to a location at least one hundred feet (1000') away from such structure.

(11) Animal density is limited to two (2) per acre for horses, cattle, llamas, buffalo, and beefalo. At least one-half (1/2) acre of pasture is required for each animal. Sheep are limited to three (3) per acre.

(12) Grazing must have existed during the two (2) preceding years immediately prior to annexation

(13) Special Development Standards for the C-E District

(a) Secondary uses. Secondary uses in the Employment Zone shall be integrated both in function and appearance into a larger employment district development plan that emphasizes primary uses and are limited to twenty-five percent 25% of the total gross area of the overall plan. All secondary uses shall be subject to site plan review.

(b) Mix of housing types. A mix of permitted housing types shall be included in any development plan proposing residential uses as a secondary use. The following standards are intended to promote a variety of housing within such a development plan:

i. A minimum of two (2) housing types shall be required on any residential portion of a development plan greater than ten (10) acres but less than thirty (30) acres in size, including parcels which are part of a phased development. A minimum of three (3) housing types shall be required on any residential portion of a development plan greater than thirty (30) acres in size, including parcels that are part of a phased development. The following list of housing types shall be used to satisfy this requirement:

1. Single-family detached dwellings located on lots containing no more than six thousand two hundred fifty (6,250) square feet.
2. Single-family attached dwellings.
3. Two-family dwellings.
4. Multi-family dwellings.
5. Group homes.
6. Mixed-use dwellings

ii. A maximum of fifty percent (50%) of a residential portion of the project may be single-family detached housing.

iii. Lot sizes and dimensions shall be varied for different housing types to avoid monotonous streetscapes.

iv. The lot size and layout pattern shall be designed to allow residences to face toward a street.

(c) Access to a park, central feature, or gathering place. Within any development proposal that contains a residential component, at least ninety percent (90%) of the dwellings of a residential development proposal shall be located within one thousand three hundred twenty (1,320) feet (one-quarter [1/4] mile) of either a neighborhood park, a privately owned park or a central feature or gathering place that is located either within the project or within an adjacent development, which distance shall be measured along street frontage without crossing an arterial street. Such parks, central features or gathering places shall contain one (1) or more of the following uses:

- i. Public parks, recreation areas or other open lands.
- ii. Privately owned parks meeting the following criteria:

1. Size. In development projects greater than two (2) acres in gross area, such private parks must be a minimum of ten thousand (10,000) square feet. In development projects with a gross area of two (2) acres or less, such private parks must be a minimum of six percent (6%) of the gross site area.

2. Location. Such parks must be highly visible, secure settings formed by the street layout and pattern of lots and easily observed from streets. Rear facades and rear yards of dwellings shall not abut more than two (2) sides or more than fifty percent (50%) of the perimeter frontage of the park.

3. Accessibility. All parts of such parks shall be safely and easily accessible by pedestrians, and open to the public.

4. Facilities. Such parks shall consist of multiple-use turf areas, walking paths, plazas, pavilions, picnic tables, benches or other features for various age groups to utilize.

5. Ownership and maintenance. Such parks shall be privately owned and maintained by the developer or property owners' association.

6. Storm drainage. When integrating storm drainage and detention functions to satisfy this requirement, the design of such facilities shall not result in slopes or gradients that conflict with other recreational and civic purposes of the park.

iii. Community facilities or neighborhood support/recreation facilities (which are permitted as an accessory use to housing). If such facility is smaller than the required minimum size for privately owned parks as required in subparagraph 2 above, then the facility shall be physically integrated with such park space as needed to meet the required minimum size.

(d) Limit on use outside buildings. Except for off-street parking and loading areas, all outdoor storage shall be screened above and beyond what is required in other zoning districts as determined in this Land Use Code.

(e) Building design. To the extent reasonably feasible, industrial buildings shall provide a primary entrance that faces and opens directly onto the adjacent street sidewalk or a walkway, plaza or courtyard that has direct linkage to the street sidewalk without requiring pedestrians to cross any intervening driveways or parking lots. The following exceptions shall be permitted to this standard:

i. Buildings may orient away from the street if the development provides a campus or park-like development block with a unifying, formative internal framework of outdoor spaces and connecting walkways that function as an alternative to street sidewalks by connecting buildings within the site and directly connecting to common destinations in the district (such as transit stops, restaurants, child care facilities and convenience shopping centers). Such an internal network shall provide direct pedestrian access to the street sidewalk.

ii. Acceptable building materials include brick, CMU block, wood, vinyl, stucco, stone and other materials similar in type. Prefabricated buildings and metal buildings are not permitted.

(14) Wireless telecommunications

(a) Wireless telecommunication equipment includes a ground-mounted base station which must be used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

(b) Height and setback requirements

i. Roof or building-mounted commercial mobile radio service facilities may protrude no more than five (5) feet above the parapet line of the building or structure, nor more than two and one-half (2 1/2) feet outside of the building wall unless sufficient screening methods are demonstrated and accepted as part of the approval.

ii. Roof- or building-mounted whip antennae of no more than three (3) inches in diameter, in groupings of five (5) or less, may extend up to twelve (12) feet above the parapet wall

iii. All freestanding facilities shall be set back at least three hundred (300) feet from all residentially zoned properties or residential structures on properties otherwise zoned.

(c) Accessory buildings requirements

i. Accessory buildings located on the ground shall be no larger than four hundred (400) square feet and must be constructed of durable, low-maintenance materials, architecturally compatible and integrated with existing buildings and structures. Sites with greater than one hundred (100) cubic feet of cabinet area, visible from a public right-of-way or residentially zoned or used area, must enclose the equipment in accessory buildings.

ii. Accessory buildings and facilities are to be screened, to the extent possible, from public streets and sidewalks, either by screening, landscaping, location or other techniques deemed sufficient.

(d) Building- or roof-mounted facilities requirements

i. Building- or roof-mounted facilities are to be screened from public view, either by screening, location or other techniques deemed sufficient.

(e) Freestanding wireless telecommunications facilities requirements

i. All freestanding wireless telecommunications facilities shall be designed and constructed in such a manner that they are:

1. Capable of serving, through original construction, expansion or replacement, a minimum of two (2) users;

2. Constructed as a monopole, which tapers toward the top of the pole to the degree allowed by structural requirements, unless some other decorative type of structure is proposed and approved;

3. Of a neutral color, including fencing, buildings and cabinets, or to match existing buildings;

4. Hold only lighting required by the Federal Aviation Administration; and no signage;

5. No higher than fifty (50) feet from the ground, with an additional twenty (20) feet per co-locating user permitted, up to seventy (70) feet. Exceptions may be granted upon request by the applicant; and

6. Constructed in accordance with a certified engineer's specifications and in compliance with all applicable U.B.C. provisions.

(f) Conditional mitigation measures co-location.

i. The Town encourages co-location of wireless telecommunications facilities to minimize the number of sites.

ii. No wireless telecommunications facility owner or operator shall unfairly exclude a competitor from using the same facility or location. Unfair exclusion of

use by a competitor may result in the revocation of the use by conditional review or site development plan.

(15) Development standards for auto, RV, boat and truck sales

(a) Not more than one (1) vehicle display pad, which may be elevated up to three (3) feet in height as measured at the highest point, shall be permitted per one hundred (100) feet of road frontage.

(b) No other materials for sale shall be displayed between the principal structure and the right-of-way.

(c) Vehicles shall be stored on paved parking surfaces.

(d) No bay door shall orient directly towards residential, public open space or right-of-way unless there is an intervening building located between the use and the residential/public space.

(e) If washing areas are provided, these areas shall be covered and have drains connected to the sanitary sewer system. The drains shall be constructed with an oil/water separator. All treatment facilities shall be approved by the Town Engineer.

(16) Home Occupations

(a) Medical, dental and real estate offices are not permitted as home occupations.

(b) In addition to the family occupying the dwelling containing the home occupation, there shall not be more than one (1) outside employee in the home occupation.

(c) The employee and clients may park in on-street curbside parking spaces.

(d) The home occupation shall not exceed one thousand (1,000) square feet or thirty percent (30%) of the total square footage of the dwelling, whichever is less, or can be located in an accessory building not to exceed five hundred (500) square feet.

(e) All exterior aspects of the home occupation operation shall not disrupt the residential character of the area.

i. The maximum number of clients which may visit the home occupation per day is ten (10).

(17) Development standards for accessory buildings and uses

(a) All accessory buildings and uses:

i. Shall be subject to the general, dimensional, operation, and use-specific regulations stated in this article. In the case of any conflict between the standards of this section and any other requirement of this Code, the standards in this section shall control.

ii. Must be reasonably and customarily incidental to the principal use and structure.

iii. Must be located on the same lot as the principal use and structure.

iv. Must be constructed concurrently or following construction of the principal use or structure, except for accessory dwelling units and caretaker units which must have a valid permit issued for the associated principal structure.

v. Shall not create a combination of uses, which is the combination of two principal uses. Combination uses will not meet the above standard in terms of being subordinate or providing service to the principal use.

- vi. Must meet the restrictions on pervious surfaces as outlined in

Article 2.

(b) Accessory uses:

- i. Must be subordinate in the area of the footprint, size, and purpose to the principal use.

(c) Accessory buildings

- i. In the Agricultural zoning districts:

1. Accessory buildings are those buildings not related to the primary agricultural use such as barns or storage buildings for agricultural products. Garages for non-agricultural vehicles and other similar non-agricultural buildings are required to meet these standards.

2. May have a maximum footprint of 5,000 square feet.

2. The maximum height of the accessory building is the maximum height of the zoning district.

- ii. In all other zoning districts:

1. If the lot size is greater than two (2) acres:

a. The maximum footprint of the accessory building is 90% of the principal building total size as measured in square feet.

b. The maximum height of the accessory building is the maximum height of the zoning district.

2. If the lot size is less than two (2) acres:

a. The maximum footprint of the accessory building is 90% of the principal building footprint.

b. The maximum height of the accessory building is the maximum height of the zoning district."

(18) Kennels

(a) All animals shall be housed indoors during the hours between 10:00 p.m. and 7:00 a.m.

(19) Development standards for churches and places of worship and assembly

(a) Churches and places of worship and assembly in a Residential zoning district shall be located adjacent to and have vehicular access from an arterial or a collector street.

(20) Each residential dwelling unit within the Downtown A and Downtown B zones are permitted to grow up to 6 medical marijuana plants and 6 recreational marijuana plants. Ordinance #1050 bans medical marijuana operations from the Town of Frederick as permitted by C.R.S. §12-43.3.310(1).

(a) — Amortization of nonconforming uses.

i. — This section shall supersede and apply in lieu of Section 3.6 of this code, regarding nonconforming uses, as to medical marijuana operations only.

ii. — Any medical marijuana operation operating on or before December 1, 2010, that is in violation of this chapter shall be deemed a nonconforming use and must be discontinued within the time periods prescribed herein. A nonconforming medical marijuana operation will be permitted to continue for a period of one (1) year from December 1, 2010, with a potential operating time extension for extenuating circumstances not to go beyond July 31, 2012, unless sooner terminated for any reason.

~~or voluntarily discontinued for a period of thirty (30) days or more. An application for a time extension for extenuating circumstances may be granted in writing by the Board of Trustees only upon a finding of extreme hardship on the health of Registry patients then served by the medical marijuana operation if the operation was to close.~~

~~iii. — Notwithstanding the period during which nonconforming medical marijuana operations are permitted to continue by this section, all nonconforming medical marijuana operations shall acknowledge in writing the obligation to close the operation and initiate closure of the operation pursuant to this section within ninety (90) days of the effective date of the ordinance enacting this section, and shall provide evidence of compliance thereof to the Town Planning Director.~~

~~iv. — During the amortization period, a nonconforming medical marijuana operation shall not be increased, enlarged, extended or altered except that the use shall become a conforming use by pursuing in good faith the requisite closure of the operation.~~

~~(21) — Development standards for primary caregiver operations:~~

~~(a) — All primary caregivers shall secure and maintain at all times a primary caregiver business license from the Town and comply with the specific use standards for a home occupation as defined in this Article in addition to those specific standards for a primary caregiver in this article.~~

~~(b) — A primary caregiver may only provide services out of a private residence, located within a residential zone district, and no medical marijuana may be cultivated, produced, processed, or dispensed other than at the caregiver's residence, unless the caregiver has secured appropriate waivers for transportation of medical marijuana to homebound patients as issued by the state licensing authority. Copies of all such waivers shall be provided to the local licensing authority.~~

~~(c) — No more than one primary caregiver shall operate from any residence, and no primary caregiver may join together with another primary caregiver or patient for the purpose of cultivating medical marijuana.~~

~~(d) — A primary caregiver shall have his or her registry identification card in his or her possession at all times that he or she is in possession of any form of medical marijuana and produce the same upon request of a law enforcement officer or representative of the local licensing authority in order to demonstrate that the caregiver or any patient served is not in violation of the law.~~

~~(e) — A primary caregiver shall maintain with the local licensing authority a list of his or her patients, including the registry identification card number of each patient, at all times. A primary caregiver shall provide to the local licensing authority and any inquiring law enforcement agency, upon request, such list and copies of the registry identification cards for each of his or her patients.~~

~~(f) — A primary caregiver shall not have an employee, agent, or otherwise delegate to any other person any portion of his or her duties, function, or authority to provide medical marijuana to a patient nor may a caregiver engage others to assist in producing, providing, transporting, or administering medical marijuana to a patient in accordance with CRS 25-1.5-106. This provision shall supersede any contrary authority regarding employees otherwise permitted for home occupations.~~

~~(g) — A primary caregiver shall not:~~

~~i. — Engage in the use of marijuana in a way that endangers the health and wellbeing of a person, whether the caregiver is also a patient or not.~~

~~ii. — Engage in or allow any patient at the caregiver's residence to engage in the use of marijuana in plain view of or in a place open to the general public, in the presence of any person under the age of eighteen (18), or in the presence of any person who is not also a patient.~~

~~iii. — Operate a motor vehicle or undertake any task while under the influence of marijuana, when doing so would constitute negligence or professional malpractice.~~

~~iv. — Possess medical marijuana or otherwise engage in the use of medical marijuana on a school bus or within one thousand feet (1,000') of a school, library, child care center or park; or two hundred fifty feet (250') of any group home facility, hospital, correctional facility, or property owned by a public utility.~~

~~(h) — If a primary caregiver raises an exception to the state criminal laws as provided in Section 14(2)(b) or (c) of Article XVIII of the State Constitution, the caregiver waives the confidentiality of his or her records related to the condition or conditions that were the basis for the recommendation maintained by the state health agency for the medical marijuana program, and such caregiver must provide in full to the local licensing authority all records related to the subject condition upon request.~~

~~(i) — An application for primary caregiver license shall be made in writing to the Town Clerk.~~

~~i. — An application must be signed by the person who is applying for a primary caregiver license as well as the property owner if he or she is not the license applicant. The property owner shall acknowledge on the application consent to the application for a primary caregiver license.~~

~~(j) — Amount of medical marijuana allowed. Primary caregivers are allowed no more than six marijuana plants per registered patient, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.~~

~~(22) — A primary caregiver may not operate in the C-H52 zone if the subject premises is a mixed use dwelling unit. The subject premises must be a single unit in a single family attached dwelling subdivision in order to be permitted under this code.~~

~~(23) — Primary caregivers who have been granted documented approval by the State licensing authority to serve more than five (5) patients may only conduct business in the C-N zoning district following conditional use review. Any such operation must also be compliant with all business registration and fees required by the local licensing authority.~~

(2421) *Seasonal Sales* refers to temporary commercial uses that typically conduct business on vacant land, parking areas, public rights-of-way or other appropriate spaces during particular times of the year. Such uses shall include but not be limited to fireworks stands, Christmas tree lots and produce stands. *Seasonal Sales* uses shall be allowed to operate for a maximum of 90 days from the time a permit is issued. The proposed business may be subject to other regulations (fire, building, use of public spaces/right-of-way, health, etc.), and other permits or permissions may be required by other Town departments, outside agencies or private property owners.

(2522) *Microbreweries* shall produce no more than fifteen thousand (15,000) barrels per year of fermented malt beverages on site. *Microdistilleries* shall

produce no more than fifteen thousand (15,000) gallons per year of spirituous beverages on site. *Microwineries* shall produce no more than two hundred fifty thousand (250,000) gallons per year of vinous beverages on site. All three types of establishments may sell beverages produced on site to off-site entities including bars, restaurants and liquor stores. All three types of establishments must include a tap or tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and brewpub uses.

(~~2623~~) The term "brewery" as used in this code includes both regional breweries, which produce between 15,000 and 6,000,000 barrels per year; and large breweries, which produce more the 6,000,000 barrels per year. A Winery produces more than one hundred thousand (100,000) gallons per year of vinous beverages on site. A Distillery produces more than fifteen thousand (15,000) gallons per year of spirituous beverages on site. All three of these uses may, but are not required to, include a tap or tasting room in which guests/customers may sample and/or purchase the product as with bar, tavern and restaurant uses.

(~~2724~~) Backyard chickens may be kept in conjunction with an established single-family residence with the following conditions:

- a. Up to six (6) hens may be kept.
- b. Roosters are not permitted.
- c. Backyard chickens are required to be located within a designated chicken coop and chicken run that shall meet the following requirements:
 - i. The chicken coop and chicken run shall be located in the rear or backyard of a residential property.
 - ii. Neither the coop nor run, nor any part thereof, shall be located between the rear of the principal structure and the front yard lot line.
 - iii. The coop shall have a minimum five (5) foot setback from any side or rear property line.
 - iv. Coops shall be predator resistant with a solid covered roof.
 - v. Water shall be provided on site and accessible to chickens at all times.
 - vi. During daylight hours, the chickens shall have access to a chicken run that is adequately fenced and protected from predators and shall also have access to a chicken coop.
 - vii. From dusk until dawn, chickens shall be protected from predators by being enclosed within a chicken coop.
 - viii. The maximum chicken coop size is one hundred (100) square feet.
 - ix. A minimum of four (4) square feet of space per chicken shall be provided in both the coop and the run.
 - x. The maximum height of a coop shall be no more than seven (7) feet at the highest point of the roof.
- d. Chicken coops and chicken runs shall be maintained and shall be regularly cleaned to control dust, odor, and waste, and not constitute a nuisance, safety hazard, or health problem to surrounding properties.
- e. No on-site slaughtering is allowed.

- f. Chicken feed shall be stored in a resealable, airtight, predator-proof container.
 - g. Chicken waste shall be only be stored in a resealable, airtight, predator-proof container.
 - h. A license is required to legally have backyard chickens on your property. The license will only be issued once and is not required to be renewed.
 - i. Many homeowner association bylaws do not allow poultry of any kind. The Town of Frederick encourages residents to research their individual homeowner association regulations.
- | ~~(2825)~~ Development standards for establishments serving or making alcoholic beverages:

Table 3.3: Summary of Beer, Wine and Liquor Uses						
Use Name	Basic Description	Primary Use	Accessory Use	Off-Site Sales	Production Limit	Where Allowed
Bar/Tavern	Establishment providing beer, wine or hard liquor	On-site consumption of alcoholic beverages Manufacturing not allowed	Sale of food (sandwiches, light snacks) allowed but not required Manufacturing not allowed	No	N/A – Manufacturing not allowed	Conditional: DN-B, C-N, C-H52, I Use by right: DN-A, C-C, C-E, BLI
Restaurant, Standard (no outside seating)	Restaurant in which beer, wine or hard liquor may be produced on site. Includes Brewpub uses.	Restaurant required as primary use	Manufacturing allowed	Yes	See Below	Conditional: I, DN-B Use by right: commercial zones except DN-B
Brewpub	Primarily a restaurant where beer, wine or hard liquor are manufactured on site, primarily for sale and consumption on site. Same as restaurant.	Restaurant required as primary use	Manufacturing required as accessory use	Yes	See Below	See restaurants above
Microbrewery	Establishment that produces beer on site, but also includes a taproom which may function as a bar/tavern.	Manufacturing or Tap room (both uses required)	Manufacturing or Tap room (both uses required)	Yes	15,000 barrels per year	Conditional: Commercial zones Use by right: Industrial zones only (BLI and I)
Microwinery	Establishment that produces wine on site, but also includes a tasting room which may function as a bar/tavern.	Manufacturing or Tasting room (both uses required)	Manufacturing or Tasting room (both uses required)	Yes	250,000 gallons per year	Conditional: Commercial zones Use by right: Industrial zones only (BLI and I)
Microdistillery	Establishment	Manufacturing or	Manufacturing or	Yes	15,000 gallons	Conditional:

The Frederick Municipal Code is current through Ordinance 1159, passed November 12, 2013.

Table 3.3: Summary of Beer, Wine and Liquor Uses						
Use Name	Basic Description	Primary Use	Accessory Use	Off-Site Sales	Production Limit	Where Allowed
	that produces spirituous beverages on site, but also includes a tasting room which may function as a bar/tavern.	Tasting room (both uses required)	Tasting room (both uses required)		per year	Commercial zones Use by right: Industrial zones only (BLI and I)
Brewery	Primarily a manufacturing facility that produces beer on site.	Manufacturing required as primary use	Tap room allowed as accessory use but not required	Yes	Regional: 15,000-6,000,000 barrels/year Large: over 6,000,000 barrels/ year – no limit	Use by right: Industrial zones only (BLI and I)
Winery	Primarily a manufacturing facility that produces wine on site.	Manufacturing required as primary use	Tasting room allowed as accessory use but not required	Yes	Over 250,000 gallons per year – no limit	Use by right: Industrial zones only (BLI and I)
Distillery	Primarily a manufacturing facility that produces hard liquor on site.	Manufacturing required as primary use	Tasting room allowed but not required	Yes	Over 15,000 gallons per year – no limit	Use by right: Industrial zones only (BLI and I)

(Ord. 1145 §§ 17, 18 (Exh. A), 2013)

(2926) Development standards for outdoor shooting ranges are as follows:

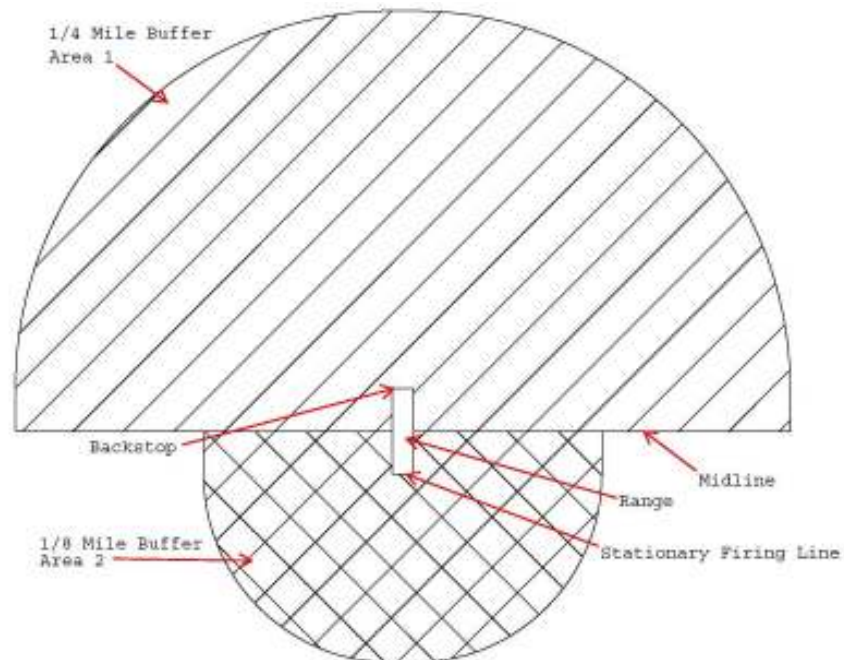
(a) All shooting ranges will be reviewed by the Town of Frederick Police Department through the Development Review process.

(b) Hours of Operation: Shooting ranges shall be allowed to operate between sunrise and sunset, except that the hours may be extended until 10:00 p.m. one night per week with the approval of the Planning Director for purposes of subdued lighting certification of law enforcement officers or civilians as part of a formal course of instruction.

(c) All shooting stations shall be located a minimum of two hundred (200) feet from any property line.

(d) When an outdoor range is proposed, all existing, habitable dwellings in the area shall be mapped. Please refer to the

following diagram to understand the terms used here. No existing habitable dwelling is permitted within Area 1 or Area 2. Area 1 represents a one-fourth ($\frac{1}{4}$) mile (one thousand three hundred twenty (1,320) feet) buffer measured from the exterior berm and backstop. Area 2 represents a one-eighth ($\frac{1}{8}$) mile (six hundred sixty (660) feet) buffer from the exterior berm and stationary firing line. The midline is the dividing line between Area 1 and Area 2 and is half the distance between the backstop and the stationary firing line.



- (e) Stationary firing lines shall be covered by a baffle system beginning at least three (3) feet behind the firing line, unless used for skeet or trap shooting.
- (f) A baffle system covering all firing lines shall eliminate “blue-sky” above the shooter’s vision of the bullet backstop. Blue

sky elimination is used for the purpose of eliminating the likelihood that any bullet will travel over the backstop area, leaving the shooting range. This requirement may be waived if a Range Technical Team Advisor provides evidence that the baffles are not necessary to ensure the safety of neighboring properties and this evidence is verified by a Town expert as established by the Planning Director and Chief of Police.

(g) The perimeter of the outdoor range shall be surrounded by a fence, wall, or other impediment to pedestrians with a minimum height of six (6) feet and meeting all other applicable regulations identified in Article 2.

(h) Warning signs shall be posted at one hundred fifty (150) foot intervals along the entire perimeter of the outdoor range. The signs shall state in both English and Spanish, "CAUTION Firearms in Use Keep Out" and be made of a weather proof material. Signs shall be yellow and black and must be able to be read from a distance of five (5) feet.

(i) In addition to the standard requirements for a conditional use application, the application for an outdoor shooting range shall also include the following:

- i. A complete layout of each range, including firing lines, blue sky elimination technique, target areas, backstops, and berms.
- ii. Sound study or projected noise contours.
- iii. Existing and proposed structures; occupied dwellings within one-fourth (1/4) mile (one thousand three hundred twenty (1,320) feet); roads, streets, or other access areas; buffer areas, and parking areas for the facility.



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MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
July 21, 2015
6:30 PM

ATTENDANCE: Chairman Don Hard, Commissioners Tracy Moe, Jill McNally, Andy Calmeyn and Alternate Commissioner Alan Blair were present. Also present were Planning Director Jennifer Simmons, Planner Nick Nelson and Town Attorney Rick Samson.

ROLL CALL: Chairman Hard called the regular meeting to order at 6:30 PM. Roll call was taken; all Commissioners were present.

ADDITIONS TO THE AGENDA: There were no additions to the agenda.

APPROVAL OF MINUTES FROM THE APRIL 7, 2015 MEETING: Commissioner Moe made a motion to approve the minutes from the April 7, 2015 meeting as written. Alternate Commissioner Blair seconded the motion. All in favor, motion carried.

CONSIDERATION OF THE BLUE STAR AUTO CONDITIONAL USE APPLICATION: Planner Nick Nelson presented the Staff Report by stating that the applicant, Amy Beynon, has requested a conditional use to operate as an auto sales company. Under the existing Land Use Code; Auto, RV, boat and truck sales are a Conditional Use. The request meets all Land Use Code requirements for auto sales.

The project is located at 7800 Miller Drive, Unit E in Frederick West Business Center. The property is zoned "I" (Industrial).

No variance is requested with this application. The conditional use conforms with the Land Use Code and furthers the goals, policies and strategies set forth in the Comprehensive Plan. State Licensing has been issued.

Staff recommends consideration of approval of the requested Conditional Use as outlined in PCR-2015-05A.

There were a few questions from the Commission regarding parking of the autos and where the inventory will be stored. The applicant, Amy Beynon, replied that they are an on-line auto group and they work with dealerships so there is a limited amount of inventory at this site.

Commissioner Moe made a motion to recommend approval of PCR-2015-05A, "A Resolution of the Planning Commission Recommending Approval of Blue Star Auto Group's Conditional Use for Auto Sales". Commissioner Blair seconded the motion. All in favor, motion carried.

Built on What Matters.

CONSIDERATION OF THE MEADOWLARK BUSINESS PARK FILING 3 PRELIMINARY/FINAL PLAT:

Planning Director, Jennifer Simmons, presented the Staff Report by stating that this is a request to allow the preliminary and final platting of Meadowlark Business Park, Outlot C.

The location of this property is generally, north of and adjacent to Majestic Street near its termination, west of Colorado Boulevard in Meadowlark Business Park.

The preliminary and final plats have been submitted as one document, and propose to create 15 buildable lots and two outlots dedicated to open space and oil and gas setbacks in compliance with the Land Use Code. The proposed subdivision and intended future uses are in compliance with the current Business Light Industrial (BLI) zoning designation. Traffic and drainage studies have been completed and revised to staff's satisfaction. The development will be constructed in four phases: Phase 1 will be two lots (Block 3, Lots 3 & 4); Phase 2 will be two lots (Block 3, Lot 5 and Block 1, Lot 1); Phase 3 will be eight lots (Block 1, Lots 2, 3 & 4 – Block 2, Lots 2, 3 and 4 and Block 3, Lots 1 and 2); and Phase 4 will be three lots (Block 1, Lots 5 and 6 and Block 2, Lot 1).

As lots develop, future individual lot owners will be responsible for the installation of sidewalks and landscaping in the public ROW containing the streets noted. No off-site infrastructure improvements will be required.

Commissioner Blair asked if increased traffic would be an issue. Planner Simmons said that it is anticipated that the traffic would not significantly change from what it is now and access will be off Majestic rather than Colorado and there will ultimately be a traffic light at Majestic and Colorado.

Planner Simmons reviewed the Preliminary and Final Plat Review Criteria requesting that the Planning Commission consider recommending approval of this request via PCR2015-06C with the condition that "The applicant and the Town will execute an MOAPI prior to the Board of Trustees hearing scheduled for August 25, 2015".

Commissioner Moe made a motion to recommend approval of PCR-2015-06C, "A Resolution of the Planning Commission Recommending Conditional Approval of the Meadowlark Business Park Filing 3 Preliminary Plat and Final Plat". Commissioner Blair seconded the motion. All in favor, motion carried.

CONSIDERATION OF AMENDMENTS TO ARTICLES 1 AND 3 OF THE FREDERICK LAND USE CODE PERTAINING TO MEDICAL MARIJUANA AND RECREATIONAL MARIJUANA:

Planner Simmons presented the staff report by stating the amendments to Articles 1 and 3 of the Frederick Land Use Code are being amended to better address issues pertaining to the growing of marijuana. The Town's regulations pertaining to marijuana were originally crafted with the best information available at the time. Now that some time has passed additional impacts are becoming apparent and amendments to the Land Use Code have been drafted to address those impacts.

Proposed Amendments to Article 1:

Definitions have been added to Article 1, Section 1.15 to provide contextual information. If there was already a definition in Section 1.15, these new definitions will replace the old definition.

Proposed Amendments to Article 3:

In Article 3, Section 3.4, the Matrix of Permitted, Conditional and Special Uses by Zoning District has been amended to allow residents to have up to six (6) medical marijuana plants in their home. If more than six (6) plants are being grown, they must be grown in an industrial zone after going through a conditional use review process. Senate Bill 15-014 passed the 2015 legislative session and limits the number of medical marijuana plants a patient or primary caregiver can cultivate to 99 plants, however it doesn't take effect until January 1, 2017. We have amended the documents to include this language and effective date. Additionally, the table now identifies that a resident may grow up to six (6) recreational marijuana plants in a residentially zoned property.

Additionally, the additional regulations have been amended to require a five hundred (500) foot residential protection standard. Regulations 20, 21, 22 and 23 will be removed in their entirety. The remaining regulations will be renumbered and the table will be updated to reflect the new numbering.

Staff requests that Planning Commission recommend approval of the drafted amendments as identified in PCR-2015-07A.

Commissioner Blair made a motion to recommend approval of PCR-2015-07A "A Resolution of the Planning Commission Recommending Approval of Amendments to the Town of Frederick Land Use Code Articles 1 and 3 Pertaining to Marijuana Regulations". Commissioner Calmeyn seconded the motion. All in favor, motion carried.

OTHER BUSINESS: Planner Simmons reminded the Commissioners of the meeting with the Board of Trustees on Thursday, July 30, 2015 at 6:00PM regarding the Comprehensive Plan.

With no further business, the meeting was adjourned at 7:15 PM.

Don Hard, Planning Commission Chairman

Kathy Larson, Secretary

2 A Resolution of the Planning Commission Recommending Approval of
3 Amendments to the Town of Frederick Land Use Code Articles 1 and 3 Pertaining
4 to Marijuana Regulations

5
6 Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

7
8 Section 1. The Frederick Planning Commission finds that:

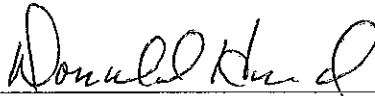
9 1.1 Amendments to Land Use Code Article 1, Section 1.15 and Article 3,
10 Section 3.4 have been considered.

11 1.2 Said amendments generally conform with the applicable requirements of
12 Section 4.7.9.b. of the Frederick Land Use Code.

13 Section 2. This resolution constitutes the written report, findings and decision of the
14 Town of Frederick Planning Commission.

15 Section 3. On the basis of the above, the Town of Frederick Planning Commission
16 recommends approval of the application.

17
18
19 This resolution approved this 21st day of July, 2015, by a vote of ___ to ___.

20
21 

22 Donald Hard, Chairman, Planning Commission
23
24
25

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. 1204**

**AN ORDINANCE OF THE TOWN OF FREDERICK, COLORADO, AMENDING
ARTICLES 1 AND 3 OF THE FREDERICK LAND USE CODE, 2004;
AMENDING CERTAIN SECTIONS OF THE FREDERICK LAND USE CODE IN
CONNECTION WITH THE ADOPTION OF AMENDED LANGUAGE
PERTAINING TO MARIJUANA REGULATIONS; AND REPEALING ALL
ORDINANCES IN CONFLICT THEREWITH.**

WHEREAS, the Board of Trustees of the Town of Frederick finds it necessary to amend the Town of Frederick Land Use Code, 2004, to improve and expedite the procedure to regulate land use and development within the Town and to clarify the community design standards, zoning and subdivision regulations, and specific use tables in the present land use codes, as previously adopted; and

WHEREAS, on July 21, 2015 the Frederick Planning Commission held a public meeting to review the subject revisions to the Land Use Code, and approved those revisions pursuant to Resolution PCR-14-06A.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Section 3.4 of the Frederick Land Use Code, 2004, is hereby amended to include the following uses in the Table 3.1, the Table of Permitted Uses, to read as set forth on Exhibit A, attached hereto and incorporated herein by this reference:

- *Medical Marijuana: Primary Caregiver*
 - *Up to 6 plants*
 - *More than 6 plants, effective only through December 31, 2016*
 - *More than 6 plants, but no more than 99 plants effective January 1, 2017*
- *Medical Marijuana: Patient*
 - *Up to 6 plants*
 - *More than 6 plants, effective only through December 31, 2016*
 - *More than 6 plants, but no more than 99 plants effective January 1, 2017*
- *Marijuana: Recreational – Up to 6 plants*

Section 2. Within Table 3.1, the Table of Permitted Uses, to read as set forth on Exhibit A, attached hereto and incorporated herein by this reference, the following uses are to be repealed in their entirety:

- *Medical marijuana operations*
- *Medical marijuana primary caregiver (5 or fewer patients)*

- *5 or fewer patients*
- *More than 5 patients*

Section 3. Section 3.4.2.b.(8)(c), Residential Protection Standards, is hereby amended by the addition of the language as set forth in Exhibit A.

Section 4. Section 3.4.2.b.(20), is hereby amended to read as set forth on Exhibit A hereto.

Section 5. Section 3.4.2.b.(21), is hereby repealed in its entirety.

Section 6. Section 3.4.2.b.(22) is hereby repealed in its entirety.

Section 7. Section 3.4.2.b.(23) is hereby repealed in its entirety.

Section 8. The remaining regulations of Section 3.4.2.b., currently numbered (24) through (29) shall be renumbered appropriately and all references in Table 3.1 will be updated to acknowledge the renumbering.

Section 9. Section 1.15 of the Frederick Land Use Code, 2004 is amended with the addition of the following terms as set forth on Exhibit A hereto:

- *Colorado Medical Marijuana Code*
- *Colorado Medical Marijuana Program*
- *Contiguous*
- *Cultivation or cultivate*
- *Distribute or distribution*
- *Medical marijuana*
- *Medical marijuana plant*
- *Medical use*
- *Medical marijuana patient*
- *Medical marijuana physician*
- *Primary residence*

Section 10. Section 1.15 of the Frederick Land Use Code, 2004 is amended with the deletion of the following terms as set forth on Exhibit A hereto:

- *Medical marijuana center*
- *Medical use of marijuana*

Section 11. Section 1.15 of the Frederick Land Use Code, 2004 is amended to reflect changes to the following definitions as set forth on Exhibit A hereto:

- *Primary caregiver*

Section 12. Effective date. This ordinance shall be published and become effective as provided by law.

Section 13. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 14. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS 25th DAY of AUGUST, 2015.**

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

Tony Carey, Mayor

EXHIBIT A

2015 LAND USE CODE REVISIONS, as approved by the Frederick Planning Commission on July 21, 2015

Numbering System:

There are 25 amendments to the LUC identified below. In an attempt to keep them organized and easily identifiable, staff has employed an indexing system in which the article number is followed by the amendment number, separated by a decimal point/period. For example, the third amendment for Article 3 would be shown as Amendment 3.3.

ARTICLE 3 –AMENDMENTS

Amendment 3.1

Table 3.1, Table of Permitted Uses, Medical marijuana operations is removed from the table.

Amendment 3.2

Table 3.1, Table of Permitted Uses, Medical marijuana primary caregiver (5 or fewer patients) and the following sub-lines as shown below are removed from the table.

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Medical marijuana primary caregiver (5 or fewer patients).																	
1. 5 or fewer patients.		P	P	P	P	P						P					(21), C-H52: (22)
2. More than 5 patients.										C							(23)

Amendment 3.3

Table 3.1, Table of Permitted Uses, is amended with the addition of the following:

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Medical Marijuana: Primary Caregiver																	
1. Up to 6 plants	P	P	P	P	P	P	P	P	P								
2. More than 6 plants (effective through															C		

December 31, 2016																	
3. More than 6 plants but less than 99 plants (effective January 1, 2017)																C	

Amendment 3.4

Table 3.1, Table of Permitted Uses, is amended with the addition of the following:

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Medical Marijuana: Patient																	
1. Up to 6 plants	P	P	P	P	P	P	P	P	P								
2. More than 6 plants (effective through December 31, 2016)															C		
3. More than 6 plants but less than 99 plants (effective January 1, 2017)															C		

Amendment 3.5

Table 3.1, Table of Permitted Uses, is amended with the addition of the following:

PERMITTED USES	A	R-E	R-1	R-2	R-3	R-MH1	R-MH2	D-A	D-B	C-N	C-C	C-H52	C-E	BLI	I	P	Additional Regulations (Apply in All Districts Unless Otherwise Stated)
Marijuana: Recreational – Up to 6 plants	P	P	P	P	P	P	P	P	P								

Amendment 3.6

Section 3.4.2.b.(8)(c)xv. is added to the section to read as follows:

xv. Cultivation of medical marijuana by a primary caregiver or a patient with legal authorization from the State to cultivate, produce, possess or process more than six medical marijuana plants, which is limited to the Industrial (I) zoning district - No closer than five hundred (500) feet.

Amendment 3.7

Section 3.4.2.b.(20) is removed in its entirety and replaced with the following:

(20) Each residential dwelling unit within the Downtown A and Downton B zones are permitted to grow up to six (6) medical marijuana plants and six (6) recreational marijuana plants.

Amendment 3.8

Section 3.4.2.b.(21) is removed in its entirety.

Amendment 3.9

Section 3.4.2.b.(22) is removed in its entirety.

Amendment 3.10

Section 3.4.2.b.(23) is removed in its entirety.

Amendment 3.11

With the removal of items 21, 22, and 23, the remaining Specific Use Standards are to be renumbered and the references in Table 3.1 updated to reflect the new numbers.

ARTICLE 1 –AMENDMENTS

Amendment 1.1

Section 1.15, is amended with the addition of the following:

Colorado Medical Marijuana Code means Sections 12-43.3-101, et seq., of the Colorado Revised Statutes, as may be amended.

Amendment 1.2

Section 1.15, is amended with the addition of the following:

Colorado Medical Marijuana Program means that program defined by Section 25-1.5-106(2)(d), Colorado Revised Statutes, as may be amended.

Amendment 1.3

Section 1.15, is amended with the addition of the following:

Contiguous, in terms of determining the area devoted to the cultivating, producing, possessing or processing of medical marijuana and medical marijuana plants, means an uninterrupted expanse of space on the same floor or the level of the primary residence that can be measured by framing the area with four or more continuous and connected straight lines. The space within a single

room which is defined by permanent perimeter walls is contiguous; the space within adjoining rooms divided by a permanent wall or permanent structure but accessible via a common doorway or connected by a common hallway is contiguous; however, nonadjacent spaces separated by two (2) or more permanent walls or separated by floors or levels of the building are not contiguous.

Amendment 1.4

Section 1.15, is amended with the addition of the following:

Cultivation or cultivate means (i) all phases of growth of marijuana from seed to harvest; or (ii) preparing, packaging or repackaging, labeling or relabeling of a usable form of marijuana.

Amendment 1.5

Section 1.15, is amended with the addition of the following:

Distribute or distribution means the actual, constructive or attempted transfer, deliver, sale or dispensing to another, with or without remuneration.

Amendment 1.6

Section 1.15, is amended to read as follows:

Medical marijuana means any marijuana that is intended for medical use and is grown for a purpose authorized by Article XVIII, Section 14 of the Colorado Constitution.

Amendment 1.7

Section 1.15, is amended to read as follows:

Medical marijuana plant means marijuana plants, seedlings or any part thereof in a living condition that are lawfully cultivated, produced, possessed, or processed pursuant to the provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, the Colorado Medical Marijuana Program, and other applicable laws or regulations governing the cultivation, production, possession or processing of medical marijuana.

Amendment 1.8

Section 1.15, is amended with the addition of the following:

Medical use means that use described and defined in Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code and the Colorado Medical Marijuana Program.

Amendment 1.9

Section 1.15, is amended with the deletion of the following:

Medical marijuana center is defined as a person licensed to operate a business that sells medical marijuana to registered patients or primary caregivers, but is not a primary caregiver.

Amendment 1.10

Section 1.15, is amended with the deletion of the following:

Medical use of marijuana means the acquisition, possession, production, use, or transportation of marijuana or paraphernalia related to the administration of such marijuana to address the symptoms or effects of a patient's debilitating medical condition, which may be authorized only after a diagnosis of the patient's debilitating medical condition by a physician or physicians, as defined in Colorado Constitution Art. XVIII, Sec. 14.

Amendment 1.11

Section 1.15, is amended with the addition of the following:

Medical marijuana patient means a person who meets the definition of patient under Article XVIII, Section 14(1)(d) of the Colorado Constitution and applicable law.

Amendment 1.12

Section 1.15, is amended with the addition of the following:

Medical marijuana physician means a doctor of medicine as defined in Article XVIII, Section 14(1)(e) of the Colorado Constitution and meeting all requirements of Section 25-1.5-106, Colorado Revised Statutes, as may be amended.

Amendment 1.13

Section 1.15, is amended as follows:

Primary caregiver means a person who meets the definition of primary caregiver under Article XVIII, Section 14(1)(f) of the Colorado Constitution and applicable law.

Amendment 1.14

Section 1.15, is amended as follows:

Primary residence means the place that a person, by custom and practice, makes his or her principle domicile and address and to which the person intends to return, following any temporary absence, such as vacation. Residence is evidenced by actual daily physical presence, use, and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and consumption of meals, regular mail delivery, vehicle and voter registration, or credit, water, and utility billing. A person shall have only one primary residence. A primary residence shall not include accessory buildings.



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

To Consider Authorizing a Supplemental Appropriation and Amendment to the 2015 Calendar Year Budget and Award a Contract

Agenda Date: August 25, 2015

Attachments:

- a. Resolution 15R54 Authorizing Supplemental Appropriations and Amending the 2015 Budget
- b. Resolution 15R55 Authorizing the Town Manager to Execute a Contract
- c. Bid tab
- d. Park Improvement Sketch
- e. Trail Construction Sketch

Finance Review: _____
Finance Director

Submitted by: _____
Jennifer Simmons
Planning Director

Approved for Presentation: _____
Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

Summary Statement:

The Board of Trustees adopts an annual budget that begins in January and can be amended throughout the year as necessary. This is a request to amend the annual budget to include expenditure of funds for park construction in the Johnson Farm neighborhood, located at 9201 Grand Mesa Avenue.

Additionally, should the budget be amended, the Board may choose to award a contract to construct Phase 1 of the neighborhood park and neighborhood trails.

Built on What Matters.

Detail of Issue/Request:

In 2011, the Board of Trustees approved the First Amendment to the Johnson Farm Subdivision Memorandum of Agreement for Public Improvements which is recorded at reception number 3830470. The amendment allowed the Town to collect \$5,848.97 on each lot owned by the original developer at the time of building permit issuance in order to fund park improvements that were the responsibility of the original developer. The park improvements include improvements throughout the neighborhood. As residential building has occurred, the fee has been collected as agreed. To date, a total of \$409,427.90 has been collected and put into escrow.

The first request of this item is to appropriate a total of \$376,835 to be spent in 2015 from the General Fund.

On May 27, 2015, a neighborhood meeting was held to discuss park development. All property owners within the Johnson Farm subdivision were invited to share their thoughts on park development. Approximately nineteen residents attended the meeting and one resident provided feedback via e-mail. Feedback was requested regarding the play structure and whether or not residents would like a shelter with picnic tables. Additionally, residents were able to indicate where to place the improvements and voice support for other improvements such as a basketball court, tennis court, or infield for baseball/softball.

With the input received from residents, a request for bids was published and ten options were submitted from five companies. The required elements for the bid included a playground that was able to serve ages 2-12, poured-in place playbay (the squishy stuff like newly installed at Eagle Valley and No Name Creek Eagle Park), bench, trash can, and a trail that connects the neighborhood with the park improvements. Alternative pricing was requested on a shelter that is large enough to hold two picnic tables and an additional bench and two trash cans. The successful bid on the project was submitted by Go Play Incorporated (see attached bid tab) and we were able to afford the required and alternative elements (see attached park sketch).

Due to the great bids on park improvements, staff determined that there were sufficient funds to request a bid on the additional trails in the neighborhood (see attached trail sketch). Go Play provided a price for the trail construction that was also within the funds collected to date. Staff requests the Board of Trustees authorize the Town Manager to enter into a contract with Go Play Incorporated to purchase and install the improvements listed and shown on the attached sketches.

Legal Comments:

This item was reviewed by Town Attorney Samson.

Alternatives/Options:

The Trustees may choose whether or not to approve the requested appropriation and to award the contract to Go Play Incorporated.

Financial Considerations:

Funding for these improvements has been collected in accordance with the amended memorandum of agreement for public improvements.

Staff Recommendation:

Staff requests the Board of Trustees take the following two actions.

1. Adopt the attached resolution authorizing the supplemental appropriations and amending the 2015 budget
2. Adopt the attached resolution authorizing Town Manager LeCerf to execute a contract for the above mentioned improvements for an amount not to exceed \$376,835.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 15-R-54**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
AUTHORIZING A SUPPLEMENTAL APPROPRIATION AND AMENDING THE
CALENDAR YEAR 2015 BUDGET**

WHEREAS, the Town of Frederick is preparing to enter into a contract for a park improvements in the Johnson Farm Park located at 9201 Grand Mesa Drive; and

WHEREAS, the cost to perform the work is \$376,835.00 but the funds have not been appropriated; and

WHEREAS, the general fund contains sufficient unappropriated funds to make the payment and the expenditure would be deemed an eligible expenditure.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE
TOWN OF FREDERICK, WELD COUNTY, COLORADO THAT;**

Section 1. That the budget for 2015 shall be amended to include an additional appropriation expense in the amount of \$376,835.00 in the general fund for an eligible expenditure for park improvements.

Section 2. **Effective Date.** This resolution shall become effective immediately upon adoption.

Section 3. **Repealer.** All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. **Certification.** The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 25TH DAY OF AUGUST 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 15-R-55**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
AUTHORIZING THE TOWN MANAGER TO EXECUTE A CONTRACT WITH
GO PLAY INCORPORATED**

WHEREAS, the Town has solicited bids for park improvements in the Johnson Farm Park located at 9201 Grand Mesa Drive; and

WHEREAS, the lowest responsible bidder is Go Play Incorporated.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE
TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

Matthew S. LeCerf, Frederick Town Manager is hereby authorized to execute a contract with Go Play Incorporated in an amount not to exceed \$376,835 for park improvements in the Johnson Farm Park located at 9201 Grand Mesa Drive.

INTRODUCED, READ, PASSED, AND SIGNED THIS 25TH DAY OF AUGUST, 2015.

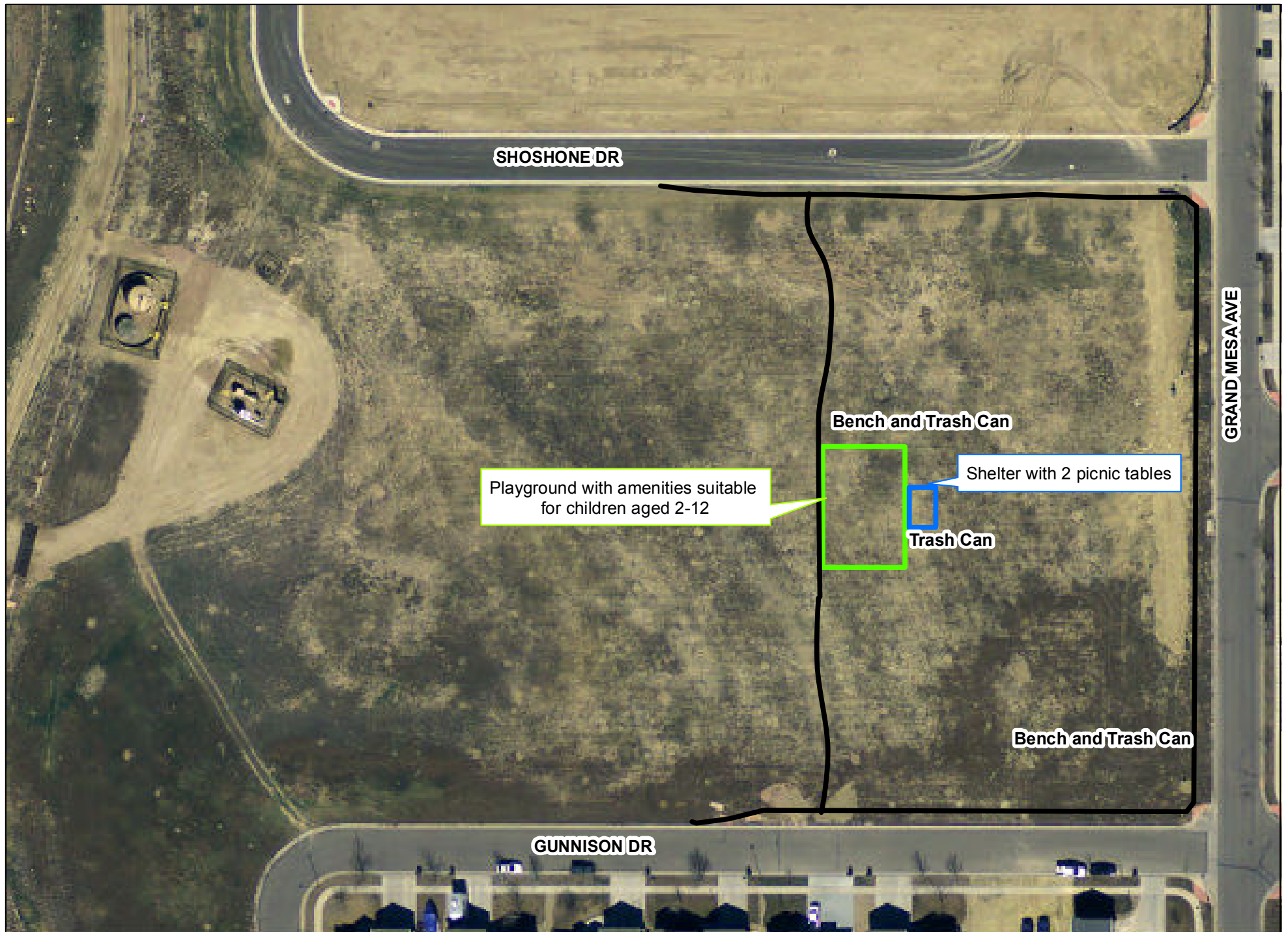
ATTEST:

TOWN OF FREDERICK

By _____
Megan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor

Firm	Total Cost w/ Options
Go Play Option 1	\$ 190,678.00
Go Play Option 2	\$ 216,486.81
Churchich Recreation Option 1	\$ 251,464.40
Colorado Designscales Option 1	\$ 260,464.25
Churchich Recreation Option 2	\$ 271,003.70
Churchich Recreation Option 3	\$ 299,872.70
Children's Playstructures & Recreation	\$ 301,032.00
Colorado Designscales Option 2	\$ 311,442.00
Rocky Mountain Recreation	\$ 350,055.00



**Johnson Farm Neighborhood Park
Phase 1 Improvements**

